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NATIONAL MUNICIPAL LEAGUE

# The League's Business

**Expansion of League Program Made Possible by New Gift.**—Expansion of the program of the National Municipal League at a time when there is a real renaissance of public interest in municipal government has been made possible by a gift of $25,000 a year for three years from Mrs. Nellie S. Childs, mother of Mr. Richard S. Childs, former president of the National Municipal League and present chairman of its council.

Accordingly, the executive committee, on March 20th, adopted a revised budget for the year 1938 and an outline of a new program of activities for the League. The outline provides for an expansion of the publications program including publications of a news bulletin type, as well as revision of existing city manager campaign pamphlets. The League will undertake field work to provide adequate service for the demands which will be the inevitable result of greater activity in the publication field.

The program also provides for field work directed toward extending the use of the manager plan. In states which cannot now adopt the plan there will be an effort to obtain state enabling acts and to stimulate interest in the adoption of the plan in cities which do not now have it.

Another phase of the new work of the League has to do with the use of other agencies, such as the radio and moving pictures, to dramatize the subject of democracy and methods of making it work. The executive committee decided to appoint a committee of League members and leaders in motion picture and radio fields to explore possibilities in this direction.

The subject of the location of the 1938 annual conference of the League was discussed also. Invitations from several cities were presented, and the final decision was left in the hands of a special committee composed of the secretary, the president, and the chairman of the council.

At a luncheon held March 30th at the Chesapeake Club in Baltimore, the secretary met with civic and educational leaders to discuss prospects for holding the 1938 conference in that city. After the secretary's outline of the League's history and activities, the Baltimoreans urged that this year was especially appropriate from their standpoint. Current efforts to solve a difficult county government problem, the proximity of Washington with its "disfranchised" citizens, the accomplishments of Baltimore in fiscal affairs as a partial result of inspiration received when the conference was held in Cincinnati, were among the reasons advanced by those at the luncheon.

In attendance were: William J. Casey, chairman of the Baltimore Commission on Governmental Efficiency and Economy, who acted as chairman of the meeting; D. Benton Biser, Director of the Commission on Governmental Efficiency and Economy; Robert O. Bonnell of the National Economy League; W. W. Cloud, chairman of the Committee on Administration, Baltimore Convention Bureau; Charles E. Clough, of the Baltimore Junior Association of Commerce; Mrs. Henry E. Corner, of the Baltimore Women's Civic League; Dr. Samuel H. DeVault, of the University of Maryland; Mrs. Charles E. Ellicott, of the Maryland League of Women Voters; W. G. Ewald, secretary of the Baltimore Association of Commerce; Dr. G. Heberton Evans, of Johns Hopkins University; Albert C. Hofrichter, of the Baltimore Real Estate Board; George R. Morris, vice-chairman of the Baltimore Commission on Governmental Efficiency and Economy; Dr. David Allan Robertson of Goucher College; Charles Roloson of the Baltimore Rotary Club; and Dr. Waitman F. Zinn, of the Baltimore Kiwanis Club.

* * *

**League's New York State Committee to Meet.**—The New York State Committee of the League will hold a special meeting at Schenectady on April 22nd and 23rd to consider and adopt a program of issues to be submitted to the New York State constitutional convention, convening this spring. George H. Hallett, Jr., secretary of the Citizens Union of the City of New York and associate secretary of the League, has been appointed to draft an agenda for the meeting. H. Abbett Pulliam, director of the Schenectady Bureau of Municipal Research, is in charge of local arrangements. Civic leaders from all over the state have been invited to attend and participate in the sessions. Further information may be secured from Rodney L. Mott, of Colgate University, who is chairman of the state committee.

HOWARD P. JONES, *Secretary*

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Editorial Comment

April, 1938

## Surrender—at a Price

BIG fleas may have little fleas to trouble and to bite 'em, as the doggerel goes, but it is all too painfully evident that little governments have bigger governments to trouble them by biting them where it hurts worst—in their tax revenues.

It is paradoxical that, while the larger governments attempt to pass back to local units the increasingly difficult problem of relief, they continue to make the smaller governments poorer by preempting all possible new sources of tax revenue. The cities have been "too slow on the draw," apparently, but even when they beat the state and national governments to some hitherto unsuspected spot, it is not long before superior power reaches out to appropriate it.

So the cities complain that the states are encroaching on their powers and functions, and the states, while all but ignoring the wails of the cities, make the same accusations against the federal government. It all comes back to one essential—the unwillingness to look realistically at the muddled tax picture and to bring clearly home to all the people the realization that it is their money, no matter whether it has traversed the circle to the state capitol or to Washington.

It may be that the states or the federal government will do better jobs of performing the various functions they are gradually taking over through the medium of so-called state aid or federal aid. Economic necessity surely has been accelerating the rate of centralization of power in Washington, and the old cry of "states' rights" has been all but lulled into the speciousness of last night's dream by the clink of silver dollars magnanimously passed back from above. Meanwhile, those who cry for "local home rule" are chiming in with demands for money from the states—at the usual price!

Two articles in this issue of the REVIEW—H. F. Alderfer's "Centralization in Pennsylvania" and Winston W. Crouch's "State Assistance to Cities in Highway Building"—cast some new light on present trends. It should be borne in mind, however, that the same things are multiplied over and over again in all of the states.

Some observers believe that North Carolina counties and school districts, for example, have gained rather than lost as a result of the transfer of functions to the state. There is sound reason to believe that the services so transferred are being administrated more efficiently and effectively. But North Carolina has a long tradition of effective state government matched by few states. Also, in most states the concentration of wealth in certain sections makes it difficult to confine important functions to localities.

But is there not possibly much more than money at stake here? May not the very preservation of democracy be bound up in the preservation of small units of government as more than mere empty shells? We may not know the answer until too late.

## Realism or Idealism: Which?

WITH the opening of the New York State constitutional convention April 5th at Albany, the stage is set for as great an opportunity as has come to the hands of any similar body of men and women. It may be that the perspective of passing years will show that we are in a period of lesser crisis than we may think now, but the 168 delegates will be doing much less than their full duty if they fail to recognize the present as an era of far-reaching and significant change which must inevitably produce some type of influential leadership. The fallaciousness of claims that *anything* "can't happen here" can be detected not only in what has been happening in other parts of the world but, more disturbingly, in numerous occurrences in various parts of the United States. There is plenty of false leadership eager to take command.

Let it be reiterated at the outset that, as state constitutions go, the Empire State's is a good one. Then let this realization bring home the more forcefully the duty of a commonwealth well endowed with outstanding organization, comparatively sound social outlook, excellent leadership, and great financial resources, to continue its growing tradition of accomplishment.

There is much reason to believe that the convention might serve best by being more idealistic than realistic; that it will be a greater service to the people of the state, nation, and world if attention is centered more on fundamental truth than on the urge to produce a basic law which the people will immediately accept in its entirety. It is true that, after the convention of 1915 labored painfully to produce a forward-looking document, the people turned it down. But it is also true that, since then, practically all of the important recommendations made by that convention have been inserted in the constitution singly by amendment.

There is no great hurry. But there *is* an imperative need for a sound rethinking of our problems in the light of present and future conditions so that the results will become, as did the results of the last convention, the general standard for state and local government everywhere.

## "Corrupt and Contented"?

IT MIGHT appear from the results of the recent election that Kansas City is one of those "corrupt and contented" places discussed by Lincoln Steffens in his *The Shame of the Cities*.

But "contented" is hardly the word. Mussolini used castor oil and bludgeons. Hitler used murder and other degrees of violence and terrorism. Stalin used bullets, prison, and exile.

It is true that, with many of his faithful followers prison-bound for unnecessary vote stealing (it is now obvious that he can win "honestly"), Boss Prendergast passed out strict orders that there should be no "rough stuff" at this election. No one was to be killed or beaten up. No votes were to be stolen or faked.

What is the real answer? Surely, it can't be possible that there aren't enough of the right kind of people in a great city like Kansas City to throw off the oppressor's bonds. A letter to the National Municipal League (kept under lock and key) accompanying a young man's entry in the Baldwin prize essay contest speaks volumes in a few words. The letter says, in part:

> My real name must not be associated with my paper under any conditions. My family, living in Kansas City, would be continually persecuted and my father run out of business if my paper should be published with my true name on it.

# Centralization in Pennsylvania

*An examination of the extent of state administrative control over local units of government and an evaluation of the ability of the state to meet the requirements of the additional functions it has undertaken.*

H. F. ALDERFER
*Pennsylvania State College*

THE tendency of the government of the commonwealth of Pennsylvania to control local government and to absorb its functions continues apace. While centralization has not reached the heights attained in such states as North Carolina, there has been a decided rise in state power in recent years. There are more than five thousand local units in Pennsylvania and more than seven million people live in urban areas. Such a direction in government is, therefore, far-reaching in the effects it may have on the development of the state at large.

A movement like this should be constantly measured and evaluated. It is our purpose to examine briefly how far state administrative control of local units has gone, and how far the state itself meets the requirements of these additional functions it has undertaken.

In the last two sessions of the general assembly, held in 1935 and 1937, some important changes in the field of state and local relationship have been made. For example, the 425 locally elected poor boards have been abolished. For the administration of outdoor direct relief the new state Department of Public Assistance has been created. The department will have its own organization for the administration of such relief in local communities, continuing the power in that respect of the State Emergency Relief Board. County institution districts, administered by the county commissioners, were established to take over local poorhouses and were made responsible for dependents in local poor institutions or homes, and in state institutions. These officers also care for dependent children and certain other types of indigents. All this work is under standards set by the Department of Welfare of the commonwealth. The state has likewise assumed entire responsibility for mothers' assistance, blind pensions, and old-age assistance. Locally, these functions, as well as those relating to general assistance, are handled by county boards of assistance whose members are appointed by the governor.

One of the most interesting developments has been the legislation giving power to the state Department of Internal Affairs to prescribe budget forms and annual report forms for counties, cities, boroughs, and townships. Local units are required to fill out these forms and submit them for examination and record. These forms were developed by the department with the advice of representatives of the association of local units involved. No power over the financial content of these forms was given the state. Local tax collectors are now also required to file annual reports with the Department of Internal Affairs.

The Public Utilities Commission has recently been given power to regulate the rates of municipal utilities in so far as they serve customers outside their municipal boundaries. Beginning in 1938 acquisition of water rights by

municipal and private water utilities must be approved by the state Water and Power Resources Board in the Department of Health. Hereafter, all flowing water of the commonwealth, now unappropriated, is appropriated to the commonwealth. There is to be a payment of a license fee for any new appropriation of water.

The state Department of Highways has continued its invasion into local streets and roads. Especially noticeable is the number of city streets taken over during the last two sessions of the legislature.

There has been the continued increase of state legislation regulating local units in the fields of personnel, health, and welfare. Recent additions include the teachers' tenure act, the forty-four-hour week (if declared constitutional), conditions of work for firemen and policemen, and plumbing registration and inspection for boroughs.

And, while local units have been implemented with certain newer powers such as county planning and zoning, housing, and public works construction through "municipal authorities," these powers are generally under the watchful eye of a comparable state agency such as the State Planning Board or the State Board of Housing.

These more recent responsibilities of the state merely add to the list of items that has been increasing since the turn of this century. In order to get a clear picture of the state-local relationship in Pennsylvania, it might be worth while to review them. Let us take them by state departments.

In the Department of Internal Affairs statistics are gathered relating to local assessments, taxes, cost of tax collection, amount of bonded indebtedness, and information regarding publicly-owned utilities. The department acts as a clearing house for data concerning municipal activities. It is empowered to install uniform systems of accounts in municipalities on request, and may aid local units in developing plans for public buildings, parks, and playgrounds. It must approve all local bond issues except of school districts of the first class and cities of the first and second classes. This is done so that the department may certify that the debt of the local unit is within its constitutional limitations. It also is charged with the inspection of the sinking funds of municipalities. This department also compares, tests, and regulates weights and measures of local sealers with state standards.

The Department of Auditor General approves settlements made by the Department of Revenue with county and local officers handling state moneys. Audits of the accounts of local officers are made to determine if fines collected by such local officers have been recorded and paid to the commonwealth in accordance with the law. Annual audits are made of over four hundred county officers and almost six thousand justices of the peace and local judicial officers.

### MUCH FINANCIAL CONTROL

In the Department of Revenue they are concerned with the collection of inheritance taxes, mercantile license taxes, taxes on writs, wills and deeds, and fishing, hunting and dog licenses initially collected by county officers. Since the imposition of a four-mill state tax on personal property for relief purposes, this department indirectly aids in the collection of the four-mill county tax on personal property, collected by local collectors. It supplies county commissioners with data regarding personal property assessed for taxes by the state.

The Pennsylvania Motor Police, recently established by the merging of the Pennsylvania State Police and the Pennsylvania Motor Patrol, has gradually become a most important factor in the local administration of criminal justice. It acts as the peace agency for virtually all the rural part of the commonwealth

and may aid municipalities in the solution of their criminal problems on request or when the governor deems an emergency to exist. It coöperates very closely with city police departments by use of teletype equipment and has a clearing house for information. It patrols the greatly enlarged state highway system and enforces the motor vehicle code outside of municipal boundaries. In the matter of fire protection, the state fire marshall appoints local chiefs as his assistants in local units in the reporting of causes of fire.

The Department of Highways has had a meteoric rise since its establishment in 1903. At first, it lent financial aid to townships upon application of the supervisors. In 1911 it took over, as state highways, about nine thousand miles of township roads. This mileage was increased from time to time until, in 1933, it had taken over about thirty-four thousand miles of township roads. In 1931 there began the provisions for taking over of city streets connecting state highway routes by the Department of Highways. The depression, with its excessive burden of taxes on local real estate, greatly increased the pressure upon the legislature to provide for this method of aiding local units. It might be mentioned, at this point, that one-half cent a gallon of the state-imposed gasoline tax is returned to counties upon the basis of the amount of total tax collected in each county. Sometimes the county passes part of this amount to boroughs and townships.

At one time, local school districts had almost autonomous power in the field of public education within the commonwealth. Gradually, the state Department of Public Instruction has become, by law, the leader in educational progress. It prepares standards, certifies teachers, plans curricula, and develops courses of study. It administers and subsidizes vocational education under federal aid and handles the public school employees' retirement system. It has a very effective handle in enforcing legislative standards upon the local school districts in the system of state subsidies. More than thirty-five million dollars are sent each year to local school districts on the basis of local taxable property. Thus, it takes a very active part in guiding the whole educational policy of the commonwealth.

### SUPERVISION OVER HEALTH

The Department of Health has been given many powers that affect the government of local units. Field agents maintain a constant connection between local health authorities and the offices at Harrisburg. It supervises the work of local boards in handling communicable diseases, even replacing inefficient local boards or acting for them where none exist, and maintains various clinics throughout the state. It supervises the enforcement of sanitary standards in public eating and drinking places. It issues permits for the sale of milk and actually does the inspectional work where local units are ineffective. It examines water supply applications, plans for water works, processes for purification, applications for sewer permits, and proposed projects. It registers all births, deaths, and marriages.

The Department of Labor and Industry examines all buildings more than two stories high and all places of assembly, including schools and other local public buildings, for fire hazards. It inspects uninsured steam boilers and elevators, it is authorized to establish employment offices, and will enforce the forty-four-hour week on municipalities if it is upheld in the courts.

The Department of Welfare has powers of control, regulation, and supervision over a number of welfare agencies including county institution districts, state-aided hospitals and homes, child-caring institutions, penal and correctional institutions.

A number of minor miscellaneous powers are scattered among other departments. The Department of Agriculture supervises the licensing of dogs. The Department of Forests and Waters has bought up almost two million acres of state forest land and has jurisdiction over more than three thousand camp sites on this land. This ownership by the state is of vast importance to future rural planning and zoning. The Department of Justice supervises parole of prisoners sentenced to state penitentiaries by locally-elected judges.

These powers and duties indicate the vast amount of control that the commonwealth exercises over local governments and over functions that were once their domain. The enforcement of these powers requires a large number of employees and an efficient program of organization. The question whether it is wise to allow this tendency toward state administrative centralization to continue is an important one. The movement is well begun; shall it continue or be restrained or modified? Must we look into the possibilities of a more modern integration of the different levels of government in the commonwealth? It is only by evaluating the administration that a proper understanding of this whole process may be obtained.

### REASONS FOR STATE CONTROL

In legislating power over local units to the state administration there are always advanced a number of reasons that appear impressive on the surface. They may be classified as follows:

1. *The necessity for uniformity.* It is argued that each community in the state should have uniform standards so that the inhabitants of one community will not be at a disadvantage in their dealings with others. It is the duty of the state to develop such uniformity, it is said, so that there shall develop a geographic democracy as far as the services of government are concerned. Modern life has crossed local boundaries, government must keep up. This argument is used most tellingly in relation to education, health, and welfare standards.

2. *The need for efficiency.* Most of the protagonists of state control (especially the academic ones) have apparently given up hope that local governments can do a governmental job with efficiency and effectiveness. The units are too small to have a trained personnel. Those that are in office are not interested in training themselves to a better grade of efficiency because of the political implications of their job. There seems to be no career in sight for public administrators in local units. Besides, they believe that a good job can be done much better for each single community by men who know the problem throughout the state and can relate it to a unified program of the commonwealth.

3. *The desire for economy.* Since the depression there has been a great hue and cry about the wastefulness and extravagance of local government. Horse-and-buggy methods, it appears, are too much in evidence. The need for an agency that will put into practice modern methods is patent. Furthermore, it is well known that mass production in governmental services will yield the same savings as in industry, these persons declare.

These arguments and combinations of them have been used in preparing for each step in this movement toward centralization. They are often valid in relation to existing conditions of local administration. Nevertheless, they do not in themselves prove the case for centralization. State administrative control does not automatically bring uniformity, efficiency, and economy.

These reasons for centralization, true or not, are merely the rationalizations for this movement. One of the most important factors in the Pennsylvania situation has been the proximity of the

state administrative departments to the general assembly and the governor. It is comparatively easy for a state department to develop a program of governmental service that meets with the approval of the few executive and legislative leaders who carefully examine it. The majority of the legislature has usually been willing to follow the political leadership of the state government. The leadership, in any given legislative session, is always snowed under by a vast array of proposals and it is impossible for it to develop the long range viewpoint. Insistent administrative lobbyists are always at the elbow of the governor and of the important committees interested in legislation in their field. They feel that their work is important, that it must be expanded. Sometimes they are actuated by the highest motives of service; sometimes by political considerations. They have the program and the data. If there is not too much opposition from home, if the additional program will not cost too much money, and if it is a "reasonable" expansion of the present activities, there is a good chance for them to get it accepted and put into law.

In addition to this, almost every department has an allied organized group throughout the state. When there is a program on the boards for legislative action, the members of these organized groups put on the pressure. They write, wire, and visit their legislators. They get their friends to do so. The average legislator, who really knows very little of the subtleties of legislation, soon becomes impressed by the insistent demand for this program on the part of the more vocal of his constituents. Often, a yea vote is easiest.

There is another factor that has aided in accelerating this movement toward state administrative centralization of local units in Pennsylvania. It is that the cost of local government has been borne almost entirely by the owners of real property. The real estate taxes, especially during the depression, have been exceedingly burdensome. This has given rise to the organization of a number of powerful agencies interested in economy and efficiency of local government. State centralization appeals to them, not only because of the economy that might come from mass production and organization, but for the reason that it brings the actual transfer of the cost from real estate taxes to the sources of state revenue. Such organizations are important enough to affect legislative policy. They, too, are armed with data and convincing representatives.

### IS THE STATE MORE EFFICIENT?

It must be said, at this point, that we do not believe that local governments in Pennsylvania have been specimens of perfection. There is waste, duplication, extravagance, and mismanagement in many instances. There is a great deal of room for improvement, as anyone knows, both in the structure and methods of government in all local units. Our purpose here, however, is to evaluate the process and results of state administrative control with the view to evolving a sound foundation for future development. Let us examine, then, the actual practice of state administrative control in Pennsylvania. If we grant that local governments in Pennsylvania need improvement, does this result simply by putting the work into the hands of state officers? There are a number of factors that must be taken into consideration if the situation is to be properly evaluated.

1. The government of the commonwealth at the present time has no civil service law covering all of its employees. Civil service now applies to only three branches of state service: liquor store administration, unemployment compensation, and public assistance. The great majority of the other jobs are filled through politics. This does not mean, however, that all these places are

manned by inefficient employees. Nevertheless, the chances are against getting topnotch men when the positions are subject to political pressure and under the wing of party sponsors. When this is admitted, one of the most important arguments for state centralization withers away. State functions are not necessarily in better trained hands than they would be in local governments.

2. In the administration of functions that have to do with local governments, the state personnel is not usually made up of persons with previous experience in local governments. The filling of these positions is not carried on with the idea of advancing those who have made a good record in municipalities. In fact, the appointing officers as a rule do not know who has made a good record. The positions are usually filled with persons who have no direct knowledge of their jobs as far as local administration is concerned. They must learn from the beginning without benefit of experience except that which they derive on their particular jobs. By the time they acquire a modicum of experience, they often make way for the choice of a new administration.

3. Let us examine the actual effectiveness of state administration. We must first pay tribute to the inadequacy of most state legislation. As it is largely the result of pressure groups trying to get some particular item in the state program, the laws are crudely drawn from the viewpoint of integrating them into the present program of state and local government and the actual needs. Much administration stops at a point at which most of the good is nullified. Sometimes there is not enough appropriation allowed to carry out the function properly and it remains a meaningless law on the statute books. In many cases, the field work and investigation, which is the nucleus of good administration, is of a hit-and-miss variety. There are not enough field agents to do the work properly, they cannot keep up with the demands of the legislation, and as a result, they hit only the high point in their areas at irregular times. Under such conditions, what happens to the argument for uniformity?

### HOW SAVE MONEY?

4. In the matter of actual economy there are few reliable or comparable figures which prove anything. It would be exceedingly difficult to say whether local or state administration was cheaper in dollars and cents. In fact, the argument of actual economy from state action has long ago been augmented by that of efficiency and uniformity. Perhaps, it is often said, it may not be more economical to have the state do it but it will be better done. The citizen will get more for his dollar and more actual services. Reading the reports of the various state departments, one can easily be brought to believe this. But all who understand the complexities of modern governmental administration know that such reports are concerned usually, yea always, with the positive and more cheerful aspects of their work.

5. Nor do state administrative departments utilize the most modern methods and procedures of administration. Whether they do or not depends largely upon the personnel and its training. Good administrative procedure is not inherent in or indigenous to state agencies.

6. Another point to consider is the existence of overlapping and duplication in the state departments themselves. The larger the organization and the more extensive its functions, the more likely there is to be uncertainty as to the proper location of various parts of the functioning process. There are many examples of similar work carried on for different purposes by more than one department, and sometimes without knowledge of the duplication by the parties involved. Furthermore, state control

over local units in any one function does not mean that that process is in one department. Every such function has its legal, financial, enforcement, and educational angles. The administrative officers interested in these angles may be scattered in several departments. In Pennsylvania there is no great evidence of integration between the departments of the state government on these problems, and often the result is that there is a situation confusing to all parties concerned. What was originally a simple problem becomes, through administrative organization, a most vexatious one.

EFFECT OF REMOTE CONTROL

7. There are, too, the tremendous hindrances to effective administration that come from remote control. No matter how well intentioned and implemented a state department is, administration by letter, telegraph, or telephone is not desirable. The nucleus of state control is the field force which is usually in the lower salary brackets. Field men are usually not trained in the broader phases of administration. The work does not appeal to many for a long period of time and is a constant strain on all except the younger individuals. But these persons are the ones to apply state standards in local units. They are continually up against local officers, many of whom show a surprising (to the agent) understanding of their jobs. Then, too, the agents are always under the control of their superiors in Harrisburg. Upon pleasing these superiors much depends. When they, too, are politically inclined, one needs only guess the effects upon the administration of that department.

Let us now view the situation from the standpoint of the local units. We have admitted that they have many inadequacies and weaknesses in structure, personnel, and procedure. Those who are sincerely interested in the future of local government in Pennsylvania are anxious to improve conditions all along the line. But let us not belittle these local officers and employees. By and large, the inherent worth and actual ability of the personnel in local governments in Pennsylvania is at least up to the standard of those employed in the commonwealth. This is true if for no other reason than that in the great majority of local units the people are quite particular as to whom they elect. These elective officers may not often be trained for their jobs but most of them have the confidence of their community and are of a fairly representative character. The high calibre of local officers is often surprising to those who have labored under the old myths about politicians which apply only in extreme cases. Appointed officers, likewise, do not fall below the average standard set for "good jobs" in the community. The real weakness in municipal personnel is not subgrade individuals. It is the lack of facilities for training and learning more about the job. This deficiency may be made less important by the current programs for in-service training. Nor is there sufficient encouragement to carve out a permanent career in the field.

But what has the commonwealth of Pennsylvania done about this condition? Very little, indeed. It has not undertaken any extensive program of training, advising or coöperating with these local officers. A feeling of antagonism between state and local officers has arisen in functions where they have mutual interests. The state has often insisted that every municipality be molded into a standard set for the state as a whole. The result is that many exceptional cases must be violently readjusted to meet with state demand and the local balance is upset. Where there is dual responsibility, no one is satisfied or takes real interest in the situation. Here the problem of field personnel of the state department is all-important. If it is

composed of young men, if they are too aggressive, if they are openly antagonistic, if they are politically obnoxious, if they are obviously untrained, or if they are just plain dumb, the local officers are not willing to coöperate except under the bludgeon of the law.

Another element in the situation has to do with state legislation concerning local units. Much of this legislation places heavy burdens upon the local officers and the municipality itself. Mandatory laws require expenditures on the part of the municipal government which many feel to be unnecessary. Burdens are added without provision for increased revenues. In fact, many hindrances to sound local administration come from the state. Municipal officers understand the reasons for such legislation and do not feel kindly about them. They realize their own helplessness and resent the exaggerated importance of minority groups. Gradually, they have become "home-rule conscious" and their associations have united to fight state centralization.

In conclusion, we do not want to minimize the fact that many aspects of life are now organized in areas greater than those bounded by municipal lines. No one will argue in these modern times that the commonwealth does not have a true interest in highways, law enforcement, health, welfare, and many of the other functions of government that were once the sole prerogative of local units. But are the present developments in the right direction? We cannot fully answer that question. What we can say, however, is that until the commonwealth of Pennsylvania has a real merit system for its personnel, we cannot look with unalloyed hope upon additional state control over local units. Furthermore, until the commonwealth of Pennsylvania perfects its field personnel, we cannot hope for better conditions in state-local relations. Likewise, the method of legislating on local matters has always been vicious. No state agency makes any pretense of studying in detail the needs of local units. The present legislative Local Government Commission may supply this real need. Municipal and state officers should maintain frequent contacts for the purpose of evolving a long range program. Legislation should not be the hit-and-miss variety it now is. There should be study as to what functions or parts of functions really are state and what are local. The commonwealth should emphasize training programs, the collection of information, and an advisory system for local officers. It should not be satisfied merely with enforcing the law and waiting for new legislation to increase its powers. On the other hand, the municipal officers should be more interested in improving their own administrations. Many state inroads into local fields have been made on the basis of examples of antiquated and poor local administration, even when there were many examples of good administration to be found. But the chain is only as strong as its weakest link. If there continue to be phases of obvious local maladministration, these will be seized upon as an excuse for increased state powers.

No one interested in preserving the best of our American institutions wants to emasculate the powers of local government. The maintenance of their independence is the anchor of our governmental stability. Let us not fool ourselves that the main problem of government is efficient administration according to the standards of big business, especially when the relation between mass production and efficiency, even in industry, may not be as close as was once accepted.

# Fixing the Judge[1]

*Wherein the efforts of well meaning friends prove futile but the "tough" judge proves "just".*

BRYAN M. O'REILLY
Editor, *The Franciscan*

AS I ROLLED along the highway the sun was shining, my eye caught the glint of new green by the wayside, my thoughts were far away, all was well with—

"Pull over there, mister."

The voice came from a policeman in a coupe which suddenly appeared beside me. Pulling over to the curb, my peaceful morning shattered, I reflected that my speedometer could not have registered more than forty-five—forty was the legal limit on this stretch—and I was in for a "bawling out." Remember, I murmured to myself, never talk back to a cop.

"Let me see your license, mister." The voice was hard-boiled. With a forced meekness which went much against the grain, I produced my papers. These country cops, I thought, must have little to do, pulling up cars for a couple of miles beyond the limit. However, my expectations of getting away at the cost of some browbeating were good until the "law's" next remark startled me.

"I clocked you at fifty-five, Johnny. You'll have to follow me in to the station-house."

"But, officer, I wasn't going fifty-five. My needle hung around forty."

"My clock says fifty-five, buddy. When did you have your speedometer checked?" came the uncompromising reply.

"Look here, officer, I travel this road every day. Certainly I had no intention of speeding."

"Sorry, mister. Just follow me into the station. You'll have to tell that to the judge."

Subsequent protest at the station-house got me nowhere. The ticket was made out for fifty-five; I was rooked of fifteen dollars bail and told to appear in court in ten days time. Neither the sergeant at the desk nor the arresting officer was aggressive but they were curt and unsympathetic.

As I climbed into the car outside the police station, the green ticket burned a hole in my hip pocket. My speedometer had never gone above fifty; to that I could take oath. There was a mistake somewhere. If X is traveling forty when he passes Y traveling thirty, how much must Y accelerate to draw level with X having given him ten seconds start? My algebra would not carry me that far but I had a mathematical friend who could work it out. Obviously Y must exceed forty, however, which might account for the outrageous charge against me. Here it is pertinent to remark that this was my first brush with the law and that I am English-born. That a false charge could stick never crossed my mind. A citizen on his lawful occasions has rights, an overzealous policeman could make a mistake, a magistrate weighing the testimony would do justice. My character was good, my record was without blemish, there was no reason why I should speed. The judge would see this and—it was reasonable to expect—give me

[1]From *Harper's Magazine*, September 1937. Copyright, 1937, by Harper & Brothers.

the benefit of the doubt. After all, the citizen comes before the cop, the former being the "public" and the latter a "public servant."

Half an hour later I told the story of my morning's misadventure to my colleagues.

### NO HELP FOR THE INNOCENT

"It's a tough town," was their unanimous comment. "Those boys won't play ball," and then the flood gates were let loose. The native-born citizenry told me what to expect of an American court. "They'll soak you $25.00." "An out-of-town license has no luck in that town." "It's an old racket, they need money in the treasury." I was warned not to talk back to the judge, advised to plead guilty, urged to soft-soap the arresting officer and ask him to "go easy." I was to tell him that I knew Bill Sykes, that I was in a desperate hurry, that he was a good fellow. Provided, ran the refrain, that I antagonized nobody, there was a chance that the fine might be moderate; otherwise you'll get the works. My complaint that I was not guilty, that I had not driven fifty-five miles per hour, was brushed aside. My suggestion that since I had a reasonable case the judge would give me a fair hearing was greeted with guffaws of laughter. Stories were told of this or that man who had been railroaded. My determination to plead not guilty was asking for trouble. The cop, the judge, the clerk, and the township were in "cahoots," I was informed; it was a racket. To fight the "hold-up" was to invite the maximum penalty; all ideas of justice, of a fair hearing, of being able to convince the judge were dismissed as idealistic; county traffic courts just didn't work that way. During all the discussion the question of fact, of law, or of justice never entered in; that the ticket should be "fixed" or "taken care of" was considered the only possible solution.

My friends made my case their own and with various degrees of pessimism began to "see what they could do." My chief appealed to men in high quarters but confessed the next day that it was "no go"—it was one of two towns in the state which were unget-at-able. "Most magistrates and police chiefs will see reason and exchange courtesies," was the way he put it, "but not this crowd." Our sales manager, a good mixer with a wide acquaintance whom nothing dashed, while he recognized it as a tough proposition, hoped to do something. He knew the architect who had built the local schools and the doctor who dosed the police; they might be able to persuade the judge to go easy on a friend. His secretary pointed out that the officials in question had a reputation for being A.P.A.'s and Masons; there wasn't an Irish name in the bunch. "I can fix Masons as well as K. of C.'s," said the sales manager. But he couldn't, not this time. His sources of information relayed the old tale, "this bunch is tough." My colleagues gave up the job and commiserated with me.

The flurry had blown over and I had been metaphorically thrown to the wolves when, some days later, I lunched with one of our agents from out of town. My misfortune made small talk. With the friendliness which is universal he volunteered to "fix it," having once lived in that town. After lunch, while I stood by, he called the local political boss, who happened also to be postmaster. "Hullo, get me the post office please." Then the following one-sided telephone conversation ensued: "Hullo Bill, this is Jim. How's Sally? Say, she looked grand at the auxiliary lunch." A pause. "Yeah, I was at the club, swell. Say, Bill, do me a favor." My sad plight was recounted. "Yes, I know. Can this fel-

low be got at? Give me the low down." Jim's friendly face showed disappointment. "What, throw him in the river? No good, eh? Well, thanks. Sure, I know. So long, Bill. Regards to Sally." When he put down the telephone I was told the other side of this cryptic conversation. "Bill says that the judge is no good, that there's nothing to be done with him except push him in the river. That's final; there's nothing to be done from inside." My painstaking friend thought awhile. "Well, maybe we can get at him from outside."

### YOU HELP ME AND I'LL HELP YOU

The resulting scheme was developed into a form of chain-letter business, or a variation of the old theme, you scratch me and I'll scratch you. I was Jim's friend, Jim had a friend in a neighboring city who had a friend who was a judge of the Appeal Court. The judge of the Appeal Court could reach the magistrate who was to sit in my case. There were a series of "favors received" to be cashed. Jim had procured first-class accomodations for his friend on a crowded liner Bermuda-bound. This friend had handled a real estate deal for the Appeal judge. So what? So "fix it." The obdurate magistrate would be asked to do a favor for the senior judge. He would feel flattered and in addition could count on the return of that favor at some later date. It was a set-up. The chain was set in motion and everything clicked until the tough magistrate was reached. A telephone call the next day told me that the Appeal judge was working on it but that the going was hard. A call the following day informed me that it was "no go"; the guy could not be reached. My last hope, or rather the last hope of my friends, had failed.

The dinner on the night of the court's meeting—with a friendly colleague who had volunteered to come with me to the court—was a dismal affair. I could not afford twenty-five dollars, and to be soaked such a sum for something which I had not done was galling beyond words. My determination to fight it out was unchanged. Still the unanimous opinion that it was a cut-and-dried formula discouraged me. I entered the court grimly resigned to being barked at, overriden, fleeced, and thrown out.

We sat in the well of the court, the high bench of the judge above us flanked by the United States flag. The room was fairly full, a dozen policemen sat at the back, one or two swaggered. Court convened, on paper, at 8 P.M. but at 8:30 P.M. nothing had happened and we fidgeted while others chewed gum. At 8:35 a policeman at the door barked "stand up" and a clean-cut man in a business suit entered from behind the bench, nodded, sat down, and motioned all to be seated. The "tough judge." He was flanked by the clerk and after a few motions the first case was called. Drawing upon what I had been told of police court conditions, I was all prepared for high-handed proceedings, for a succession of rapid-fire cases to be perfunctorily run through the mill. I steeled myself to make a fight for a hearing. However, to my surprise, matters proceeded with quiet order. The judge was quiet-spoken, attentive, and dignified; he listened carefully, allowed the accused full freedom of speech, delivered judgment with restraint and summed up well. This was unmistakably a court of justice. That in all cases the plea was "guilty" in no way altered the tenor of events; each man was allowed to have his say, each was attentively listened to.

My case came half way down the calendar; I advanced to the bar and heard the charge read. I was sworn.

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# The Manager Plan in Suburbia

*Improved services with lower administrative costs and debt reduction with a sound refunding program among the important achievements of manager government in Teaneck, New Jersey.*

MIRIAM ROHER
*National Municipal League*

In November 1930, 16,000 residents of Teaneck, New Jersey, junked their old form of government in favor of the manager plan. In doing so, they set their feet on the road out of the ditch of pyramided debt, uncertain and slovenly municipal services, and politicized management into which their former machine government had sent them. The township has now travelled the manager road for more than seven years. The record of the achievements for that period indicates that the ditch has been left far behind.

The experience of Teaneck is clear illustration of the adaptability of the manager form to suburban governmental units. Consider the character of Teaneck. With a change of place names, it is typical of suburban communities anywhere in the United States—with the exception, of course, of a comparatively few *de luxe* communities on the style of Lake Forest, Malibou Beach, and Scarsdale.

Teaneck is a community of business executives and white-collar workers almost none of whom works in the city in which he lives. It is a city of commuters, who shuttle daily back and forth from New York, Newark, and Jersey City. Home industry is practically nonexistent—there is one large laundry, one smaller one, and the usual quota of utilities, chain stores, lunch counters, and gas stations.

The inhabitants are steady people, who keep their jobs and take debt seriously. They own their own homes—six thousand of them—not mansions, but for the most part substantial homes, neat domiciles each with a diminutive garden and a sand pile for the children. Teaneck, in other words, is a place for people to live.

To such a suburban community three concerns are naturally paramount—home, pocketbook, and children. To the extent that the manager government has served these three, then, can its success be measured.

An index of the financial achievements of the manager plan in Teaneck is the reduction, in the face of the depression, of the pre-first mortgage public debt from $1.00 for every $4.25 of assessed valuation (1931) to $1.00 for every $9.75 of assessed valuation (1937). The keynote of the present regime is thrift—a proper suburban virtue—not only in the actual handling of funds, but in the execution of governmental services.

Teaneck appears to be the first municipality of any size to adopt the International Business Machine method of making tax bills and tax duplicates which results in great savings of time and money, in addition to the achievement of heretofore impossible accuracy. The tax bills themselves are individual masterpieces

of usefulness and clarity. The machines which fill them out make an automatic breakdown of the individual tax levy into school, township, county, and state tax, indicate the corresponding tax on the same valuation for the previous year, and tabulate the amount of the respective annual increase or decrease of the tax for each of the four purposes. Graphic material on the back of the bill is a further aid to the taxpayer in discovering at a glance how much of his taxes go for what purposes.

The latest tax bill for Teaneck indicates, incidentally, that although the tax rate has risen to a total of 5.05 per hundred dollars for all purposes, after having been as low as 4.64 in 1933, the increase is the responsibility of the school, county, and state taxing units. Township taxes alone have decreased from 2.72 in 1930 to 1.86 in 1938.

Teaneck has utilized since 1934 a new and thrifty method of reaping the depression harvest of property foreclosed for nonpayment of taxes. As a suburban community, the city has been especially concerned with tax delinquency on the many parcels of property hopefully acquired in good times. The high fee formerly due by custom to the attorney who took over the liquidation of tax liens has been avoided by the farming out of such proceedings in large blocks to a single individual who has agreed to a flat contract rate of $45 for each piece of property disposed of. In this way, the city has been enabled to realize substantial sums on its tax delinquent properties, whereas in the past the cost of foreclosure all but swallowed the city's share of the sale proceeds.

The trend and character of city expenditures is a graphic indication of the turn which Teaneck manager government has taken. Although the population has increased to 23,000, total expenditures have decreased from $800,-038 to $708,541 since 1930. Debt service has also cascaded in the same direction. It was $387,806 in 1930; in 1937 it was $238,621. Administrative costs have also dropped, from $53,058 in 1930 to $43,300 in 1937. But big advances were made in police and fire costs: for police, $83,970 in 1930 and $106,022 in 1937; for fire, $34,394 in 1930, $74,390 in 1937. Teaneck has reduced on management, improved on service.

### INCREASED SERVICES FOR HOME OWNERS

The innovations which the manager plan has introduced have been almost all on the side of increasing services for home-owners. Residents are proud of the shade tree commission, which supplies free care to shade trees. They point to route 4, the main artery along which the city is situated, and note that Teaneck alone, of the many New Jersey communities which border on the same highway, has zoned the area as residential only. A planning board, manager-appointed and advisory in character, has devised a master plan for community development, with emphasis on a large central park for which most of the land has already been acquired. A new fire alarm system has just replaced the archaic whistle method. Especially is Teaneck proud of a new fire engine, discarded by New York City for engine trouble, bought by Teaneck for $125 and now reconditioned, at scant expense, for a usefulness of many years. New, the same engine would have cost $17,000. It is essential to the story that New York City authorities, realizing too late the significance of Teaneck's bargain, sent investigators across the Hudson to find out how it all happened.

Speaking of fire protection, the fire underwriters' class E rating for Teaneck of only five years ago has now reached class B. This means not only

a substantial saving in insurance costs but also safer homes. Only ten municipalities in New Jersey have so high a rating.

The steady white-collar population of Teaneck has minimized the relief problem for the city, although in spite of state aid the cost of welfare has not been inconsequential. In 1930 the city spent $1,093 for relief; in 1937 the cost was $22,512. It is typical of the whole character of city government that thirteen who would otherwise have been relief recipients have been given instead the job of policing school crossings.

This is only one aspect of the suburban concern with the welfare of the children. When the playtime activities of some children in the poorer section of town became a problem to householders, the manager arranged to have the basement of a public building turned over to them. With a leader to supervise, he has purchased ping-pong balls and rackets, and other organized play equipment, to direct the energies of the young into more innocuous channels. The major WPA project in the neighborhood was the building of a new extension to the public library.

The course of manager government has not always run smoothly. Although politics, in its usual sense, seems now to have disappeared from the township at least, Teaneck is surrounded on all sides by the fierce New Jersey partisanship. In matters which overlap township boundaries this factor has sometimes been a considerable handicap.

The sole machine attempt to regain control of the township government came, characteristically enough, at the end of the first manager year. But the voters decisively defeated the proposal to recall the members of the council for "arrogance in office."

Next month's election will reveal a somewhat different situation. Both local political groups are vying with each other in their protestations of fealty to Manager Volcker.

### TOWNSHIP EMPLOYEES ENTHUSIASTIC

The very atmosphere of the Teaneck municipal building, a neat red-brick structure bordered by a sloping lawn, is another index of the enthusiasm which the manager plan has evoked even among municipal employees, a class which has been known, in other city halls, as a somewhat cynical, case-hardened lot. Every space in the building is jammed with desks and files. The emphasis seems to be on utility, rather than on aesthetic effects. Under these tryingly crowded conditions, however, the attitude of the civil servants appears to be characterized by great zeal. Many of the 147 employees are themselves householders and "typical suburbanites," hence their enthusiasm is to some extent indicative of the popular attitude. One worker in the tax department grew almost emotional in describing the new machine method of billing. In the basement, where police headquarters are located, the lieutenant in charge was eager to tell of the municipal project for fingerprinting all school children, while he was little less enthusiastic over the new no-fix ticket system[1] which is one effort to cope with the traffic problem created by the proximity of the George Washington Bridge, which spans the Hudson between upper Manhattan and New Jersey.

In a quiet, almost shy way, Manager Paul Volcker, who has been with Teaneck throughout its seven manager years, is no less enthusiastic about the progress of his administration. Incredibly tall, white-haired Manager Volcker strides about his little kingdom in the municipal building gathering the attention of re-

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[1]See also "Fixing the Judge," page 197 of this issue.

# State Assistance to Cities in Highway Building

*The state has recently begun to recognize the problem caused by the construction of highways into and through cities and accordingly to take over such streets or share state-collected motor vehicle taxes.*

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THE rapid growth of highway expenditures, together with the successful development of productive special taxes upon motor vehicles, has led to various forms of state assistance to local units for highway construction. Generally, the incorporated municipalities have not been assisted to the same extent as the more rural areas, the counties. State highway policy has aimed to develop: (1) main through routes; (2) farm-to-market roads; (3) scenic or recreational routes. The county, as the agent of the state, naturally has shared in whatever assistance the state might give in developing a general highway system. Establishment of a state highway system usually has involved also the incorporation of county roads into the state system, thereby relieving the county of maintenance costs. In most states, until recently, the cities have not figured in these plans. While cities have been subject to state law in regard to construction and maintenance of streets, the cost of such construction and maintenance has been regarded as a municipal responsibility. This has been true even in those instances in which city streets form a direct and connecting part of the state highway.

In recent years there has been a general tendency for the state to recognize problems presented by the construction of state highways into and through cities. The states have shown a tendency to: (1) take over the city street for construction and maintenance by the state highway authority; or (2) to share state taxes upon motor vehicles on the condition that the city perform the work under state direction. The federal government added impetus to this tendency when it directed that at least 25 per cent of the $400,000,000 appropriated for state highway departments by the recovery act of 1933 should be spent within municipalities.

A number of factors entered into the determination as to whether cities should receive state aid for construction of streets forming a link in the state route. Among these were strength of the rural element in the legislature, extent of the state highway program, and amount of funds available. The state-aid method was the first used to finance a statewide system of roads. Under this plan the state shared in the cost of building a general road system, although responsibility was delegated to the local units. This method was employed in New England to finance both urban and rural routes. In 1892 the state of Vermont levied a state road tax upon real estate and apportioned the receipts among the towns and incorporated villages according to road mileage. Soon Massachusetts and New Hampshire also passed state-aid laws. Pennsylvania adopted this plan in 1911.

Interest in construction of roads increased at the close of the World War. The lure of the federal grant-in-aid for

highway construction was sufficient to lead states to centralize control of highway building in state highway authorities. During this period of development many legislatures authorized the highway departments to build highways through cities of 2,500 population or less.[1] Some legislatures mapped out state routes by statute and directed the routes through certain cities. In those states in which the department was given discretion, the consent of the local authorities usually was prerequisite to state construction. Although the work was to be under the direction of state officers, these statutes did not limit the power of the municipality to control and maintain its streets. The experience in California, as in most of these states, was that local groups used this requirement of municipal consent to obtain routing favorable to certain local interests. Thus the state highway authorities were prevented from undertaking any comprehensive planning of highway routes.

### STATE-COLLECTED TAXES A FACTOR

Various factors furthered a greater extension of state assistance to cities. Gasoline and motor vehicle taxes were developed as the chief means of financing highway construction. The greater percentage of these taxes was paid by automobile owners in cities. For this reason, state leagues of municipalities were active in presenting the demand of the cities for a share of these taxes. Furthermore, state highway authorities were interested in completing units in the highway system left by cities that did not approach the state standard in highway construction and maintenance. In meeting these demands most states followed one of three procedures: (1) permitted the state highway authorities to spend state highway money to construct, reconstruct, and maintain streets that formed a link in the highway regardless of the size of the city population; (2) "earmarked" fixed percentages of the taxes on vehicles to be spent by the state on city streets; (3) shared a portion of the taxes with the cities for highway construction under supervision of the state authorities.

Primarily the state has paramount control over all highways within its borders, including highways and streets within the limits of municipalities. Whatever authority a municipality may enjoy pertaining to streets must be derived from the legislature.[2] However, the fact that the state has delegated power to the municipalities to construct streets does not prevent it from again exercising such power and constructing such streets as part of the state highway where general interest requires it.[3] Where the legislature, by specific direction, designates the routing of state highways, there has been no question that the state has authority to build the highway through an incorporated city. This has been held valid even where the state constitution forbids the making of any legislative grant of money or other valuable thing to a municipal corporation.[4]

Most states have delegated authority to the state highway department, or similar agency, to construct the state highway through cities along such streets as may connect with the route determined by the department. In the numerous curbs placed upon the discretion of the state highway departments there may be detected a certain recognition of the principle of local self-government. This was illustrated by an Illinois case. Although Illinois has never

[1] California, Colorado, Illinois, Georgia, Iowa, Missouri, Oregon, South Carolina, and West Virginia.

[2] *Brand v. Multnomah County*, 38 Ore. 79, 60 Pac. 390 (1900).

[3] *Ibid.; State v. Edmondson*, 89 Ohio St. 93, 105 N. E. 269 (1913); *State v. Atkin*, 64 Kansas 174, 67 Pac. 519 (1902).

[4] *State ex rel. Russell v. Highway Commission*, 328 Mo. 942, 42 S. W. 196 (1931).

been particularly generous in granting home rule or allowing local self-government, its courts have insisted that the "laying out, establishment, and control of streets and thoroughfares within a city, town, or village are functions peculiarly within the powers of such municipal corporations. Such functions should not be molested by any outside authority unless such privilege is expressly granted to it."[5]

Local interest has been recognized also in the planning of routes. Most highway plans were laid out in terms of existing street arrangements. Consequently there was a minimum of friction on the point of routes, rerouting, etc. Administrative and legal difficulties appeared, and conflict of authority arose at a later period when state departments undertook a policy of rerouting established routes and constructing new arterial streets that would facilitate the flow of main through traffic. Almost without exception city authorities consented reluctantly to planning the construction of trunk line highways through any portion of the city other than the central business district.

### CITY-STATE RELATIONS NEED CLARIFYING

The relationship of the city and the state has never been worked out to the complete satisfaction of either party. Most legislation covering such relationships has never been clear or comprehensive on the respective rights and duties of the municipal corporation and the states. This has compelled the making of administrative agreements covering the deficiencies of legislation. In this way a considerable body of administrative practices has developed to govern city-state relationships.

One of the most important points of contention because of unclearness is the location of responsibility for obtaining rights of way and reimbursing property owners affected. Legislation in most states does not specifically allocate this responsibility. There has been a tendency, however, through recent legislation and administrative rules to remedy this lack of clarity. In Michigan, as the state's fund for purchase of rights of way is limited, the department must rely on cities to obtain them. The legal section of the state highway department coöperates with the cities in furnishing all legal assistance necessary for this procedure.[6] Kansas requires the city to obtain the right of way as a condition precedent to state construction within the city. Iowa settles the question by administrative agreement. If the improvement is chiefly for the benefit of through traffic, the state obtains the right of way. If the project is one of particular interest to the city, it is customary for the city to furnish the right of way. On some occasions both join in the expense. Recent legislation in Illinois and Massachusetts specifically permits the state highway authorities to relocate streets forming a highway route and to condemn a right of way.[7] An Oregon law directs that when a city consents to a change of grade in the state highway, the state shall pay for any damages to property caused by the change.[8] It appears that most forward legislatures will make more such specific allocation of responsibility in future statutes on this matter.

The authority of the state or the city to control use of streets by public utility lines is another subject of difficulty that should be settled by legislation in advance of construction. California and North Carolina require the municipality to have all utility lines laid before the

[5] *Department of Public Highways v. Ryan*, 357 Ill. 150, (1934).

[6] Michigan, *Sixteenth Biennial Report of the State Highway Commissioner* (1935-1936).

[7] *Callaghan's Ill. Stats. Annot.* 1932-35 Supp. Ch. 121, Sec. 204; *Mass. Annot. Laws* 1936, Ch. 81, Sec. 7.

[8] Oregon, Laws of 1937. Ch. 462.

state paves the street. Responsibility for supervising "corporation cuts" is vested in municipal authorities by statute in California and Oregon. The California statute in particular specifies a procedure calculated to prevent the destruction of streets made necessary by lack of planning for public utility lines. In a recent Missouri case the court distinguished the state's authority over utility lines in the street from that of the city. The state commission has very limited jurisdiction. It is concerned with matters immediately connected with the construction or paving of highways and their maintenance. The city has all residue jurisdiction, and may even oust a utility company from use of a street that forms a part of the state highway.[9] Indiana, however, has placed the power to control "corporation cuts" with the state highway department. A utility that fails to obtain the department's permission to make the cut is subject to a fine.[10]

### POSSIBLE CONFLICTS

Regulation of traffic on the street that forms a part of the state highway may present a conflict of authority as state departments attempt to standardize signal methods, parking regulations, etc. Does the transfer of the street to the state highway system withdraw the street from municipal jurisdiction? Some states are careful to designate that the street does not become a part of the state highway. The state merely undertakes to construct the streets designated by the highway department as necessary for the continuation of the state route. The California law formerly specified that jurisdiction over the street returned to the city upon completion of the project. In Missouri the court took the point of view that even though the street did not become the property of the city, construction by the state did not jeopardize the city's power of control over its streets.[11] The Iowa Supreme Court started from an opposite view but arrived at the same result. It denied that a street improved by the state highway commission became a part of the state primary road system. It ruled that the act of 1931 conferring upon the state the power to improve such streets had not divested the municipality of its duties and responsibilities in respect to streets.[12] In a Tennessee case the court held that a city has the same power over streets carrying state highway traffic as over any other street. The commissioner of highways was authorized to route traffic through a municipality only over and through such streets as were prepared to carry it. Otherwise the police power of the municipal government could be set aside at will by the commissioner.[13]

It is apparent that in the absence of conflicting state legislation governing traffic and traffic regulation the municipal ordinances will govern. The municipal police power is not affected solely by the fact that the state built the street. The Indiana highway law, however, as amended in 1937, illustrates a different development. When the state commission is charged with maintenance of a street, it may regulate and control parking and remove all hazards to traffic. It may regulate or prohibit stop and go signals. Such streets also become preferential routes in traffic flow regulation. In other respects, however, the power of the city is not to be impaired. In the interest of uniform traffic regulation it is entirely logical that the state highway authorities should take over such regulation as specified in this statute.

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[9]*State of Missouri v. Missouri Utilities Co.*, 339 Mo. 385, 96 S. W. (2nd) 607 (1936).

[10]Indiana, Acts of 1937. Ch. 256.

[11]See cases cited.

[12]*Wallace v. Foster*, 213 Iowa 1151, 241 N. W. 9 (1932).

[13]*Collier v. Baker*, 160 Tenn. 571, 27 S. W. 1085 (1930).

Another important question that arises is in regard to the liability of the municipality for damages that arise from a dangerous condition of the street that forms part of a state highway. Under the law of tort liability, as at present developed, there is room for much confusion if such streets are to be regarded as under state jurisdiction, and, therefore, different from other streets in the city. The cases that deal with this point are few and do not agree because of statutory differences in the states. In Georgia, where the state highway board has discretionary power to pave or repair a street, the statute directs that it shall not be construed as relieving the cities of the duty of maintaining their streets in a reasonably safe condition.[14] In Pennsylvania the court took a similar view when it held that a borough was responsible for the results when a street that had been improved by the state was damaged during a storm. Improvement by the state did not relieve the borough of its duty in respect to safety of highways within its limits.[15]

Under somewhat different circumstances, however, the Connecticut court held that the state road commissioner rather than the town was liable for injuries sustained on a state-aid highway. The town paid one-fourth of the cost of maintenance and the state did the work.[16]

### MOTOR VEHICLE TAXES SHARED

A different type of city-state relationship has been developed by the program of sharing state taxes on motor vehicles with the municipalities. The growth of this relationship may be well illustrated in the examples of California and Washington. Until 1933 California shared the gasoline tax and license plate fees solely with the counties. The only municipality that received a direct grant under this arrangement was the consolidated city-county of San Francisco. Although the counties have been authorized to share with the cities, they have been reluctant to do so on a scale pleasing to the cities. Friction has resulted chiefly in those counties in which there is located a large city. Control of the aid has rested with the county board of supervisors, a majority of whom represented rural or suburban areas. The recurring controversy between the city and the county of Los Angeles has demonstrated the difficulties of this plan. In a recent renewal of the dispute the city council charged that the county board discriminated against the large city in favor of assessment districts in unincorporated territory. The city's protagonists urged that the city withdraw and become a consolidated city-county, or, as an alternative, that the state pay the fund directly to the city.

In 1933 the California legislature set aside a sum equal to one-fourth cent per gallon of gasoline taxed to be spent upon state highways within cities. This was to be in addition to the amount given through the counties. Any city that could satisfy the state highway department as to its ability to build streets on a standard equal to that of the state highway might receive its share of the fund and perform the work itself. In 1935 the state allowed the cities an additional sum equal to one-fourth cent per gallon taxed. This sum was to be apportioned among the cities for work upon important streets other than those forming part of the highway and for purchase of rights of way. The city was directed to prepare an annual budget for expenditure of the funds and submit it to the state highway authorities for approval. Additional sums were granted to cities for street work in 1935 when the state took over all personal property taxation of motor vehicles and returned

[14]Georgia, Laws of 1937, No. 387, p. 1081.
[15]*McCracken v. Curvensville Borough*, 309 Pa. 98, 163 At. 217 (1932).
[16]*Murphy v. Town of Norfolk*, 94 Conn. 592, 110 At. 62 (1920).

a share of the collections to the cities and counties. This arrangement was sufficiently satisfactory so that in 1937 the life of the law was extended. The cities must spend their share of this latter tax for law enforcement, regulation, and protection of highway traffic.[17] The relationships developed between the cities and the state by the administration of these laws made it necessary for the highway department to create a special office of municipal coöperation. This office is responsible for the general policy of coöperation although actual contact with municipal representatives is made by the state's district engineers.

Washington followed a similar development of policy in sharing the gasoline tax with cities. A statute passed by the 1937 legislature allocated a share of the tax to cities and permitted the state director of highways: (1) to allow the money to be diverted to other streets than highways; (2) to keep the designated streets in repair if the city failed to do so, and to charge the cost to the city's share of the fund; (3) to require such reports as he might direct.

In both states the cities have had to surrender a certain amount of control over street construction policy and expenditures to win a share in these state-collected revenues. While there have been several grounds for dissatisfaction because of these limitations, the cities have been in a much better financial position than formerly. The state's superior interest in highway construction has made such control necessary. As a matter of fact, the state highway departments have been unwilling to push restrictions upon local authority. They have preferred to make administrative agreements that represent compromises of state and city interests. By and large, the results of the coöperation have been good.

One step further in the development of highway policy may be conceived at the present time. Most of the difficulties presented here could be eliminated if state highway authorities were permitted to plan state routes so as to bypass municipalities. The city could be connected with the main thoroughfare by means of local-traffic streets or roads. If state routes are to become the superways that planners suggest, that is the most feasible solution. Such a plan would eliminate the problems attendant upon construction of state highways through cities. Those states that share state-collected gasoline taxes with the cities might continue to do so on the theory that the local unit is entitled to a portion of the tax paid by local automobile owners. Inasmuch as the theory supporting taxes upon gasoline and motor vehicles has been that they are privilege taxes to be devoted to highway construction, the state might specify that the local share must be spent for street work.[18] Many of the requirements for state supervision of local expenditure would not be required when the streets did not form a part of the state highway system. Present practices and rules governing city-state relations in highway building have been built upon the necessity for integrating the local program with the state's program.

[17] *City of Los Angeles v. Riley*, 6 Cal. (2nd) 621, 59 Pac. (2nd) 137 (1936).

[18] *Ingels v. Riley*, 5 Cal. (2nd) 154, 53 Pac. (2nd) 939 (1936).

# Methods of Election and the Making of History

*An analysis of the elections held in Europe during the past few years has made it clear that unfair methods of election have led to disaster, while fair representation has led to the cooperation requisite to the carrying on of government.*

JOHN H. HUMPHREYS

*Proportional Representation Society of Great Britain*

THAT methods of election are a factor in shaping the history that democratic nations are making today is a self-evident truth. It is not only the votes but the method of election that determines the composition of a council or parliament. The old plurality system, with small election districts, has made much history in New York. It gave a maximum value to all the practices, corrupt and otherwise, that helped to secure political control of the small districts and through them of the government of the city. The new method of election used last November in New York has made history already. It has produced a council representative of New York; it is making use of civic forces, of civic leadership, suppressed by the plurality system.

Each election, local or national, and even the election of the council of the League of Nations, into which corrupt practices also entered, tells its story of the influence of the method of voting. This statement is well illustrated by a random selection of a few events of major importance made from the vast amount of material available. The first is from Great Britain which, in electing its House of Commons, still uses the single-member plurality system.

For a period of more than thirty years the relations between Great Britain and Ireland were the subject of acute party divisions. The first occasion on which home rule for Ireland was submitted to the electors was in 1886. Mr. Gladstone was held to be heavily defeated. He was in a minority of 104 in the House of Commons. But the electoral system gave a wrong result. The voters supporting him were in a majority of some 54,000. A true representation of public opinion would have modified the attitude both of statesmen and of the press. As is well known, conversations between statesmen took place on more than one occasion, and a favorable electoral result in the early days of the thirty-years struggle would have helped these conversations to bear fruit. Further, had proportional representation been in use within Ireland there would not have been so sharp a division between the so-called solid south and solid north. Moderate opinion within Ireland was unrepresented. Its presence in the House of Commons would have helped towards a solution far more satisfactory than the Treaty of 1921, a treaty signed after a campaign of violence and bloodshed.

Let us deal with more recent happenings—the post-war years. The first post-war election in Great Britain took place almost immediately after Armistice Day. It was not necessary to hold the election so soon. The government party organizations deemed it a favorable opportunity to turn into political cash all

the sacrifices made in a common national effort. The defective electoral system played into their hands. This "hang-the-Kaiser" election, of which Englishmen are ashamed, has left its mark on all the history of the post-war years. Each district elected one member and the electors had little alternative but to vote for the candidates approved by the government that had done so much towards winning the war. Nevertheless, even in this election, the voting was five and one-half millions for the government and four millions for the opposition, the latter being mainly those holding moderate views. The electoral system deprived almost completely of representation and of effective leadership this large minority. Mr. Lloyd George became the prisoner of the Conservative majority that he had created. There is printed in Signor Nitti's *Peaceless Europe* the memorandum on peace terms which Mr. Lloyd George circulated at the Peace Conference. Signor Nitti describes it as "a memorial full of wisdom and moderation." When news of this memorandum became known in London a telegram was sent from this one-sided House of Commons signed by three hundred members reminding Mr. Lloyd George of his election pledges. What a difference it would have made to world affairs if the mind of England had been more fully and fairly expressed in its first post-war Parliament. Towards the close of this Parliament there was another historic event. The overwhelming Conservative majority, which Mr. Lloyd George had created, deprived him of the prime ministership.

A more representative Parliament was elected in 1923—one that contained a considerable number of young members of promise—many of them Liberals. There was, however, no majority for any one party in this Parliament and the problems which this situation created had not been thought out either by the schools of political science, or party organization, or statesmen. Friction developed between the prime minister, Mr. Ramsay MacDonald, and the Liberals. Mr. MacDonald destroyed this Parliament. He advised the King to dissolve it. He did not foresee the issues that would be raised in the election. There was much feeling at that time in England against Russia and the press published what is known as the Zinovieff letter, a document of little importance but one that was turned into an election stunt, the government being accused of association with Communist Russia. A comparatively small number of voters were influenced but with the single-member electoral system this small turnover in votes cut short the political careers of many of the younger members of Parliament—men who had had nothing whatever to do with the Zinovieff letter.

### NEED OF LEADERSHIP

There is much complaint of the lack of leadership in democracies. In Great Britain the sole reservoir from which political leadership is drawn is the membership of the House of Commons—and the defective method of election, because it destroys so much of the potential leadership available, has had a disastrous influence on the political development of Great Britain. With proportional representation, many of the young men of the Parliament of 1923 would be active, experienced parliamentarians today. Had this system been in force, Mr. MacDonald would probably not have dissolved that Parliament.

But to come to more recent times—the general election of 1935. This was preceded by the speech made by Sir Samuel Hoare at Geneva, a speech that thrilled many Englishmen. Great Britain, it seemed from that speech, was prepared to take the lead in making effective the work of the League of Nations. A general election was held two months afterwards. What were the elec-

tors to do in the face of such a pronouncement? They could vote either for a Labor candidate—and the Labor party had not regained general confidence—or for a government candidate—and these were mostly Conservative. The electors voted as best they could. The election gave a very large majority to the Conservatives. The sequel is instructive. Soon after the election the government announced the Hoare-Laval proposals regarding Ethiopia. There was a storm of indignation. The public protested and the proposals were withdrawn. What did the public want when it protested against these proposals? Merely their withdrawal, or did the public desire something more positive—that the Government should implement the policy outlined by Sir Samuel Hoare at Geneva? The government certainly did not implement this policy. What took place shows how difficult it is to sustain the expression of a public opinion that is outside Parliament. Had this public opinion been adequately represented within the House of Commons its influence would have been continuous and of a constructive, positive character. The single-member system has, during these last six years, suppressed much of the mind of England—and in so doing it has influenced materially the foreign policy pursued by Great Britain.

### THE WAR IN SPAIN

This policy is affected by and leaves its mark on the course of events in other countries. For many months Britain has been much perturbed by the tragedy of Spain, a tragedy preceded by the Spanish general election of February 1936. To what extent was the method of electing the Spanish Parliament a factor contributing to the civil war?

The electoral law of Spain conferred a great advantage within each constituency upon the majority. In Madrid the majority could win thirteen seats whilst the largest minority, however large it might be, only four. This fact influenced the action of parties. The parties of the left formed a Popular Front in order to secure the thirteen seats. Everywhere joint lists were arranged. In Madrid the list of thirteen comprised five left Liberals (including Señor Azana), seven Socialists (including Señor Caballero), and one Communist. The Communists were only a small party, even in Madrid. The formation of a popular front led to the formation of coalitions of the right, combinations that included Liberals of the right, Conservatives, and in Madrid only one Fascist.

In Madrid the result was as follows:

| PARTY | VOTES | SEATS |
|---|---|---|
| Popular Front | 225,442 | 13 |
| Right Coalition | 187,434 | 4 |

The Popular Front secured the thirteen seats; in Barcelona, it won sixteen seats out of twenty.

In a manifesto published in the English press, General Franco claimed that, while the left had gained a large majority in seats, the right had polled more votes than the left and, therefore, the government of the left lacked adequate authority. Such a result would have been possible but it would seem that the figures for all Spain were:

| PARTY | VOTES | SEATS |
|---|---|---|
| Popular Front | 4,500,000 | 265 |
| Right Coalition | 4,300,000 | 191 |

Spain was artificially divided into two halves, about equal in force, bitterly hostile to one another.

The joint program of the Popular Front parties issued before the election was moderate in tone, and the government formed immediately after the election with Señor Azana as prime minister was moderate in complexion. The exaggerated victory of the left was, however, followed by serious disorders, and these prepared the way for armed rebellion.

Early last year Mr. Winston Churchill, in the House of Commons, suggested that the great powers should endeavor to bring the slaughter to an end, and arrange for a Spanish solution of the future of Spain. He hoped that this solution would in the end lead to "a revival of those parliamentary institutions which in one form or another nineteen out of every twenty Spaniards never meant to lose or to see destroyed." Yet, in all probability, the Parliament of Spain will be destroyed unless democratic nations are willing to help Spain in this matter. Why should not the democratic governments supplement their policy of non-intervention by pressing for an armistice so that a temporary executive might be formed to prepare for a constitutional convention. It seems to be the only alternative to a dictated peace.

### A CONTRAST IN SYSTEMS

The general election in France last year also gave birth to a Popular Front, consisting of Liberals, Labor, and Communists, a combination which was the product of the method of election. The views held by these parties diverge so much that the combination does not furnish an adequately stable basis for government. Moreover, the division of France into Popular and anti-Popular Fronts may prove to be a source of weakness and of danger to the nation.

In the countries using proportional representation, Belgium, Sweden, Norway, and Denmark, no Popular Front was formed before the elections. This is an interesting and important fact. Each party was free and able to secure representation without entering into alliances with extremists. The governments formed after the election gave expression to the will of the people. Thus in Denmark, where Labor was the largest party, the Labor prime minister, Herr Stauning, in a speech delivered after the election, summarized the government's policy in the following terms: "As the Radicals," he said, "have not been converted to Socialism, the Socialists cannot expect to proceed with a complete Socialist program. The two parties will, therefore, coöperate on a democratic popular basis." Party cooperation followed and was determined by the results of elections conducted under the proportional system. If P. R. had been used in Spain, no Popular Front would have been formed before the election; all parties would have been free from pre-election alliances; it would have been possible to form a government based to a larger extent upon the center forces of Spain—a government that would more truthfully have represented the mind of Spain and which would not have incurred the bitter hostility directed against a Popular Front that included Communists.

### GERMANY AND CZECHOSLOVAKIA

What is to be said on the other side of the picture? It is said that proportional representation was the cause of the breakdown of parliamentary government in Germany and in Italy. The German proportional system differed materially from the single-transferable vote, the system used in New York. The German system gave extreme expression to the idea of proportionality; it endowed party organizations with the privilege of determining the order in which their candidates should be elected, and this lack of freedom for the elector irritated thoughtful voters. Nevertheless, the German system of proportional representation was not the cause of the breakdown of the Republic. Sweden, Norway, Denmark, Holland, Belgium, Switzerland, all neighbors of Germany, use proportional representation. These democracies have a longer experience of parliamentary government than Germany. It may therefore be more fair to compare Germany with Czechoslovakia, for the two republics date

from the war and both adopted proportional representation systems with "fixed" lists. Germany in many ways possessed more advantages than Czechoslovakia: there was but one language; the Reichstag had given to the country a sense of unity. In Czechoslovakia there were several races and languages; there had been no unifying parliament. Yet with the same "fixed" list system of proportional representation, the Czechoslovakian republic remains. Is it not reasonable to conclude, therefore, that the breakdown of German democracy was due to special conditions that affected Germany and did not affect Czechoslovakia? We can examine some of these factors, but before doing so I would like to pay tribute to the work accomplished by the German republic under most difficult conditions. A considered appraisal of the positive achievements of the German republic is overdue. Certainly, during its fourteen years of existence, there was increasing good-will among the other nations for Germany.

What then differentiated Germany from Czechoslovakia? The German republic was born in the hour of defeat; it was compelled to sign a humiliating treaty. If the victors had welcomed the German republic, the Allies would have won the peace; the German republic would be in existence today; representative government would be in existence over a much larger part of Europe. The plurality system used in Great Britain in the "hang-the-kaiser" election contributed to this lack of sane treatment.

As to the situation in Germany, there were no more parties in the Reichstag after proportional representation than there were before its adoption. There were no more parties than in Czechoslovakia, but parliamentary parties in Germany had less sense of the primary duty that rests upon parties to provide the nation with a government. In 1930 the Socialists withdrew from the responsibilities of government, leaving a vacuum, which had the effect subsequently of bringing into play the great powers of President Hindenburg, a senile old man who dismissed Brüning, and who then formed a cabinet of his friends and who finally appointed Hitler as chancellor.

As to Italy, a fatal mistake was made by the Italian Labor party in 1919, the year after the war. By formal resolution, it declared against parliamentary government and expressed its approval of the use of force. This resolution was reversed at a later date but for years this handicapped the Italian Labor party, which, although the largest party within Parliament, could and did not accept any of the responsibilities of government. Professor Salvemini says in his *History of Fascism* that if the Labor party had at an earlier stage intimated its willingness to coöperate in the task of government, parliamentary institutions might have been saved.

In Switzerland the constitution declares that it is the first duty of the parliament to elect an executive. In Great Britain there is a tradition that the King's government must be carried on. In the countries of Western Europe that have used proportional representation for twenty years or more, there is arising a similar tradition. At a time of crisis the leader of the Belgium Labor party said: "Belgium must have a government." He proposed that parties should compare their programs so as to proceed with the policies held in common. In Sweden, Norway, and Denmark the same common sense procedure is followed. An analysis of the elections held in Europe during the last eighteen months has made it clear that unfair methods of election have led to disaster, whilst fair representation has led to the coöperation requisite to the carrying on of government.

(Continued on Page 236)

# Michigan's County Government, 1938

*What form of constitutional amendment providing county home rule is most likely to be accepted by the state's voters?*

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*Detroit Bureau of Governmental Research*

TWICE in the past three years Michigan has attempted to amend its constitution to provide for a modern form of county government only to have both amendments defeated. But the problem of county government still awaits a solution so long as the larger cities in the state are daily confronted with problems which they, by themselves, cannot adequately solve, and yet which they cannot pass on to ineffective and inadequate county governments. On the experience of the two rejected amendments some solution may be found, so that those counties where the problem is most acute can secure the county home rule which is so essential.

County government in Michigan has been a comparatively recent problem. In 1908 the state constitution recognized that city and village government had outgrown the statutory stereotypes and provided for a relatively free hand in molding local government. Not until 1922, however, was there any concerted effort to change the constitutional county restrictions, but as the approach was based on the submission of a constitutional amendment by the legislature, it failed because of rural apathy. From that time until 1934 there was almost continual submission of statutes or constitutional amendments to the legislature seeking to change county government, but none provoked more than desultory discussion.

The 1934 amendment was based on a series of reports prepared under the direction of Lent D. Upson, director of the Detroit Bureau of Governmental Research, by a study commission appointed early in 1932. These reports were perhaps the most ambitious attempt to study county government which had been made in any state. The 1934 amendment was written by the people responsible for the reports of the study commission and therefore reflected not academic interest, but practical judgment. However, the amendment was defeated.

The interest shown in the campaign stirred the legislature in 1936 to submit an amendment which purported to permit county reorganization, although there was considerable doubt that it would actually do so. This amendment was similarly defeated. From the experience of these two campaigns, there may be gathered some indicators by which a new approach to county reorganization can be charted.

### THE 1934 CAMPAIGN

It can scarcely be said that the two campaigns were conducted in such a fashion that direct comparisons are entirely valid. The 1934 campaign was prosecuted with as much vigor as finances permitted; the 1936 campaign could hardly be dignified as such.

Briefly the high spots of the 1934 campaign were: (1) the campaign followed the publicity secured by the series of reports made by the study commission and at a time when there was considerable interest in the subject; (2) the amendment was placed on the ballot by

circulating petitions; (3) a field agent was employed who did active work outside Wayne County (Detroit); (4) regular publicity was released and used by the newspapers throughout the state; (5) the newspapers with only a few exceptions were active in support of the amendment; in fact, the major part of the campaign was borne by the newspapers; (6) in a relatively hard fought gubernatorial campaign, both candidates endorsed the amendment.

The amendment itself provided for real county reorganization, eliminating all features of the present constitution which limit the creation of a modern county government. In an attempt to make it self-executing, it was overlong in that it provided for the initiation of a county charter. No such provision exists in the present statutes or constitution, and it was thought that the legislature would nullify the amendment by refusing to pass an enabling act. The amendment permitted any county so desiring to reorganize its government in any way it wished, following much the same language of the present law governing cities and villages.

But the amendment lost. At the same time there were six other constitutional amendments submitted to the voters, which is a relatively large number for Michigan. Three of these amendments were decidedly controversial and opposed by educators and others. The result was that two weeks before the election a "vote no" campaign developed, undoubtedly playing some part in the defeat of the county amendment. The entire six amendments were defeated, with a range of 52.5 per cent negative vote for one relating to nonpartisan election of judges, to 84 per cent negative vote for an amendment relating to increasing the jurisdiction of justices of the peace. The county home rule amendment lost by a negative vote of 61.1 per cent[1]—the second lowest. There was widespread interest in the amendment—some 81.6 per cent of the total vote for governor voting on the amendment—an interest which is characteristic of most Michigan referendum votes.

### THE 1936 CAMPAIGN

The 1936 campaign can be related even more briefly. The amendment was submitted by a joint resolution of the two houses of the legislature, in keeping with the legislative idea of county home rule. There was no campaign of any type. The sponsors of the amendment more or less lost interest in it. Likewise, it was a presidential year with all the confusion of state issues which it brings. The newspapers made a desultory campaign—starting, then wondering, and finally becoming silent; the publicity had none of the organized, driving force of the 1934 campaign. Even in the Detroit metropolitan area there was the spectacle of the two citizen agencies of government diametrically opposite—the Detroit Bureau of Governmental Research opposing it, the Detroit Citizens League endorsing it.

The amendment itself was peculiar if not a plain legislative joker. It clearly stated that it provided for county reorganization, but likewise stipulated that any county charter must be ". . . subject to the constitution and the general laws of the state." The plain intent of this was to perpetuate the present limiting provisions of the constitution, and hence prevent any reasonable county home rule. Second, it provided that no charter would be effective unless approved by the major city and the balance of the county voting separately. This last, as has been shown in Ohio, is an effective barrier—as a matter of policy the balance of the county never agrees with the major city.

[1]All statistics are in terms of the negative vote. If the negative vote is below 50 per cent, it means approval of the amendment.

This amendment was submitted to the voters with four others, one of which was adopted and the remaining three rejected, the negative vote ranging from 41.3 per cent (approved) for an expansion of the search and seizure law to 73.1 per cent for an amendment providing for an income tax. The county amendment received a negative vote of 56.4 per cent, against 61.1 per cent received two years earlier, or a gain of 4.7 per cent. Other amendments received more votes, but the county amendment received 76.5 per cent of the total vote for governor.

### THE TWO AMENDMENTS COMPARED

If it could be shown that the two amendments were clearly understood by the electorate, then the fact that one was a real county home rule amendment while the other would have permitted only minor changes would be of great help in the analysis. The better showing for the state as a whole on the 1936 amendment would then indicate that the milder the form of the amendment, the better its chance for approval.

Unfortunately, the evidence is not very clear that the 1936 amendment was understood to be merely a gesture toward county reorganization. A study made of the 1934 amendment indicated that voters expressed their prejudices on the county amendment without understanding clearly on what they were voting. This is perhaps true of the 1936 amendment.

Some evidence that the 1936 amendment *was* understood is said to be indicated by the vote in Kent County, in which Grand Rapids is located. Because the amendment did not give a real measure of county reorganization, the negative vote increased from 57.1 per cent in 1934 to 69.7 in 1936. In Wayne County (Detroit), however, where the interest is perhaps greatest for a real county change, the voters approved the 1936 amendment by 3.3 per cent more affirmative votes than in 1934. In Oakland County, which also seeks real county reorganization, there was an increase of 1.3 per cent affirmative votes.

Those counties voting against the amendment by 70 per cent or more negative votes, comprise the group most violently opposed to county reorganization. In these fifty-five counties the 1936 amendment showed an increase in the negative vote in twenty counties, and a decrease in thirty-six counties over the 1934 amendment. This would indicate that the greater part of these opposition counties favored the less strenuous amendment.

But the evidence is not entirely clear. Nowhere in the state, and this is particularly true of Wayne and Oakland Counties, was there any newspaper publicity in 1936 which would aid the voter in forming an opinion. It seems that it is fairly safe to assume that the 1936 amendment gained votes because of the carry-over of the 1934 campaign, in addition to the augmented grievances gathered by the electorate during the two years of county government since the last submission. From this standpoint, there is a hope that any new amendment would receive a favorable reception.

### ATTITUDE TOWARD COUNTY REORGANIZATION

Chart I indicates the general attitude of the state toward county reorganization. The solid black sections show counties which voted against both amendments by negative votes of 70 per cent or more. These consist of fifty-six counties (out of a total of eighty-three) with a population of 1,106,000 (1930), or 22.9 per cent of the total state. They accounted for 28.0 per cent of the total vote on the 1936 amendment, with an average of 76.7 per cent negative vote. In most of these counties the government is simple,

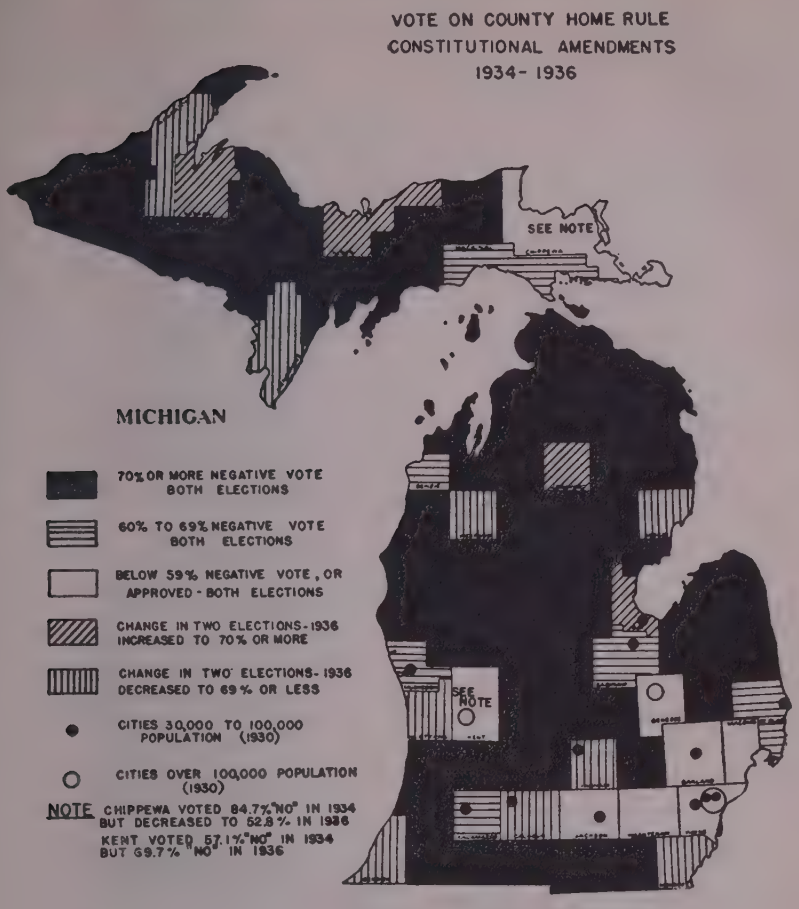
VOTE ON COUNTY HOME RULE
CONSTITUTIONAL AMENDMENTS
1934 - 1936
SEE NOTE
MICHIGAN
70% OR MORE NEGATIVE VOTE BOTH ELECTIONS
60% TO 69% NEGATIVE VOTE BOTH ELECTIONS
BELOW 59% NEGATIVE VOTE, OR APPROVED - BOTH ELECTIONS
CHANGE IN TWO ELECTIONS - 1936 INCREASED TO 70% OR MORE
CHANGE IN TWO ELECTIONS - 1936 DECREASED TO 69% OR LESS
CITIES 30,000 TO 100,000 POPULATION (1930)
CITIES OVER 100,000 POPULATION (1930)
SEE NOTE
NOTE CHIPPEWA VOTED 84.7% "NO" IN 1934 BUT DECREASED TO 52.8% IN 1936
KENT VOTED 57.1% "NO" IN 1934 BUT 69.7% "NO" IN 1936

CHART I

often employing only one or two full time county officials, so it is doubtful if they would ever take advantage of any type of home rule amendment. The present constitutional provisions set up a county government for counties of about the same economic development as is found in this group today. Because this group of counties rejected both amendments by votes ranging from 70 per cent to 90 per cent negative votes, it may be assumed that they are opposed to any change in county government, and any future amendments relating to county home rule can exclude them entirely without any great harm.

The shaded portions of the chart show counties which voted against the amendments by negative votes of 60 per cent to 69 per cent. There are twenty counties in this group, six of which remained within these limits in both elections. Nine dropped from a negative vote of 70 per cent or more in 1934 to the 60 per cent-69 per cent range in 1936, and five went from the 60 per cent-69 per cent group in 1934 to the 70 per cent and over group in 1936. It might be said that about fifteen of these twenty

counties are mildly interested in better county government, and with an aggressive campaign may be persuaded to adopt, or at least register only slight objections to, any future county amendments. These twenty counties have a total population of 948,950, or 19.5 per cent of the total state, but accounted for 21.0 per cent of the total vote on the 1936 amendment with an average negative vote of 67.2 per cent.

The counties shown in white are those which have voted against the two amendments by less than 60 per cent negative votes in both elections. These are the counties that have the greatest interest in county reorganization and in which there is greatest hope of achieving adoption. The seven counties in this group have a total population of 2,787,329, or 57.9 per cent of the total state, but account for 51.0 per cent of the total vote on the 1936 amendment, with an average negative vote of 41.9 per cent. The favorable vote in these counties is not sufficient to overcome the antagonism in the other two groups of counties.

The chart shows the localization of the attitude toward county change. The most favorable counties are those in which a large city is located, and most are adjacent to Wayne County (Detroit). Of the fifteen cities over 50,000 population in the state, shown on this chart, eight have the city manager plan of government. One, Detroit, has an excellent type of the strong mayor plan. In fact, only three of the fifteen have forms of city government that may be called obsolete. It is undoubtedly the contrast between the archaic county government and the modern forms found in cities that has been the greatest aid in the campaign for adoption of the amendment.

Table I summarizes some of the information given above.

The general conclusion drawn from this table is that the more sparsely settled the area, the more intense the objection to county reorganization. There is much overlapping, however, of the various areas. For instance, in the most favorable group (under 59 per cent negative) the population density for the counties ranges from 93.1 to 3,046.7 persons per square mile. In the second group (60 per cent to 69 per cent negative) the range is from 5.0 to 210.8 persons per square mile. And in the last group, where the counties are most adverse to change, the range is from 3.8 to 97.1 persons per square mile.

There are differences in voting characteristics, too, which vary according to the population density as shown in table II.

These two groups of counties were selected at random and consist of laterally adjacent counties grouped according to their attitude toward county reorganization. It is noticed that the citizenship status and interest in the county reorganization amendment (per cent voting for governor voting on amendment) is about the same for both groups, but that the favorable group is

TABLE I

POPULATION DENSITY BY VOTING GROUPS

| *Per Cent Negative Vote* | *Square Miles* | *Per Cent of Total* | *Population 1930* | *Per Cent of Total* | *Population Density per Square Mile* |
|---|---|---|---|---|---|
| Under 59 | 4,904 | 8.4 | 2,787,329 | 57.3 | 556.9 |
| 60 to 69 | 14,483 | 25.2 | 948,950 | 19.6 | 65.5 |
| Over 70 | 38,093 | 66.4 | 1,106,046 | 22.8 | 28.0 |

TABLE II

VOTING CHARACTERISTICS, COUNTY HOME RULE AMENDMENT, 1934

| *County* | *Population Density* | *Per Cent Citizenship*[a] | *Per Cent Citizens Voting for Governor* | *Per Cent Voting for Governor Voting for Amendment* | *Per Cent Not Voting on Amendment* |
|---|---|---|---|---|---|
| *Favorable* | | | | | |
| Kalamazoo | 162.6 | 59.9 | 45.6 | 81.5 | 63.0 |
| Calhoun | 125.6 | 61.8 | 42.4 | 84.3 | 71.5 |
| Jackson | 130.6 | 61.9 | 47.7 | 79.2 | 51.5 |
| Washtenaw | 93.1 | 63.2 | 50.1 | 90.1 | 58.9 |
| Macomb | 163.4 | 49.6 | 56.3 | 75.8 | 52.1 |
| Average | 131.7 | 59.5 | 47.5 | 81.8 | 59.7 |
| *Unfavorable* | | | | | |
| Oceana | 25.4 | 56.3 | 60.6 | 76.5 | 79.2 |
| Newaygo | 20.0 | 57.0 | 62.6 | 81.0 | 78.5 |
| Mecosta | 27.6 | 57.5 | 64.2 | 82.6 | 81.4 |
| Isabella | 36.9 | 52.3 | 65.5 | 81.8 | 79.4 |
| Midland | 36.2 | 51.6 | 56.9 | 83.5 | 71.4 |
| Average | 28.3 | 55.4 | 62.0 | 81.3 | 77.8 |

[a]Citizenship—the ratio of persons over twenty-one years of age, possessing the qualifications of citizenship, to total population.

not as active politically as the unfavorable. This is shown by less than 50 per cent (47.5 per cent) of those who possess citizenship who voted for governor, against 62.0 per cent in the unfavorable counties. Thus, because more people participate in elections in the unfavorable counties, although only the same ratio expresses an opinion on county home rule amendments, these rural counties pile up a larger percentage of negative votes than do their more populous favorably disposed neighbors.

ANOTHER STATE WIDE AMENDMENT

The two amendments offered thus far have had state-wide application to any county desiring to use them. They were permissive, thus differing from the present constitutional provisions. This factor, however, did not seem to greatly influence the vote. The evident attitude was that any change in the constitution might in some way affect the counties. They are now organized under the rigid rules of the constitution, and do not want any change. There is little doubt that only a dozen of the eighty-three counties perhaps feel a real need for a change in their government, although it is likewise true that all counties could simplify their government not only for economy but for efficiency and greater control as well.

The fact that two amendments, statewide in application, failed, does not lead to much enthusiasm for resubmitting a new amendment of the same extent. Table III shows one estimate of what might possibly happen basing the assumption on the most favorable experience of the past two elections.

TABLE III

MORE FAVORABLE VOTE—1934 AND 1936 AMENDMENTS

| | *Vote 1934* | *Vote 1936* |
|---|---|---|
| 30 counties which showed a more favorable vote in 1934 | 77,360 | |
| 53 counties which showed a more favorable vote in 1936 | | 508,890 |
| 1934 vote correction for larger 1936 election | | 100,690 |
| Total | | 609,580 |
| Total votes cast, county amendment | | 1,336,372 |
| Per cent of more favorable votes to total vote, 1936 | | 45.5 |

In each case above, the more favorable vote in *either* election was taken as characteristic of the county. Also, a correction was made for the 300,000 more votes cast in the 1936 election. But it is apparent, using these conditions, that any state-wide amendment may fail by 60,000 votes. It appears then, that based on the most favorable vote in the last two elections, there is more than a reasonable doubt that any state-wide county amendment would fail. The basic assumption is, of course, that the campaign for adoption will be on much the same scale as in the past—which appears to be reasonable at this time.

A second approach to the same problem is shown in table IV where the basic assumption is a campaign of more intensity than that of 1936.

In the estimate here, it was assumed that because of a more intensive campaign it would be possible to reduce the negative vote of the first group from an actual vote of 42 per cent to 38 per cent, and the second group from 67.2 per cent to approximately 60 per cent, and the least favorable group from an average negative vote of 76.7 per cent to 70 per cent. This is, of course, optimistic, and does not consider that perhaps some votes for the 1936 amendment were cast because it was an innocuous amendment. But even this favorable situation does not give a margin of approval which would insure success—the negative vote remains at 51.1 per cent, with the amendment losing by some 27,000 votes. This is, of course, a small number and might be switched with a proper campaign, but the indications are clear that any state-wide amendment, on the lines of those submitted in the past, will not be easy to secure, even with an aggressive campaign. This is due to the heavier vote in the rural counties which see no need for a change.

### A LIMITED CONSTITUTIONAL AMENDMENT

It appears then that the adoption of a state-wide amendment would encounter difficulty—at least it would not be easy. Of greater significance is the fact that a large number of counties will probably never see the need for changing their government, making it doubtful if another state-wide amendment should be urged.

It would seem that any future county amendment might be restricted to those counties which have indicated most interest in the subject. Not only would such an amendment receive the same favorable vote as in the past, but it should to a considerable extent allay the fears of the other counties. In theory at least it would seem that some such plan would have a more successful outcome than the state-wide amendments. The question is, what limitations may be imposed?

Table V shows the fifteen largest counties in the state arranged according to size, together with the vote on the two amendments.

TABLE IV
MODIFICATION OF 1936 AMENDMENT VOTE BY GROUPS

| *Vote Group* | *Total Vote on Amendment* | *Per Cent Negative Vote* | MODIFICATION *Per Cent Negative Vote* | *Estimated Negative Votes* |
|---|---|---|---|---|
| Under 60% | 715,696 | 41.9 | 38. | 272,000 |
| 60% to 69% | 248,056 | 67.2 | 60. | 148,800 |
| Over 70% | 372,620 | 76.7 | 70. | 260,800 |
| Totals | 1,336,372 | 56.1 | 51.1 | 681,600 |

TABLE V
ATTITUDE COUNTY HOME RULE — LARGEST COUNTIES

| County | 1930 Population | Per Cent Population in Major City | Constitutional Amendment Per Cent Negative Vote 1934 | Amendment Per Cent Negative Vote 1936 |
|---|---|---|---|---|
| Wayne | 1,888,946 | 83.1 | 40.4 | 37.1 |
| Kent | 240,511 | 73.3 | 57.1 | 69.7 |
| Genesee | 211,641 | 74.2 | 55.5 | 47.5 |
| Oakland | 211,251 | 30.7 | 45.4 | 44.1 |
| Saginaw | 120,717 | 66.9 | 60.1 | 65.2 |
| Ingham | 116,587 | 67.2 | 79.5 | 65.1 |
| Jackson | 92,304 | 59.9 | 51.4 | 58.5 |
| Kalamazoo | 91,368 | 59.5 | 63.0 | 59.5 |
| Calhoun | 87,043 | 50.3 | 71.5 | 59.9 |
| Muskegon | 84,630 | 48.8 | 60.7 | 63.0 |
| Berrien | 81,066 | 29.2 | 79.8 | 67.8 |
| Macomb | 77,146 | 17.1 | 52.1 | 45.3 |
| Bay | 69,474 | 68.1 | 63.9 | 72.2 |
| St. Clair | 67,563 | 46.5 | 63.5 | 69.1 |
| Washtenaw | 65,530 | 41.1 | 59.4 | 58.1 |

There are some peculiarities in these counties. Ingham and Jackson Counties have relatively the same population and have a similar industrial development, yet Ingham is relatively unimpressed with county reorganization while Jackson is most receptive. These differences are undoubtedly due to the attitude of local newspapers, citizens' organizations, and especially to local difficulties with county officials, because the need for change is present in almost equal proportions in both of these counties.

The only satisfactory limitation is one based on population. From the data submitted here, it appears that the larger counties have the most favorable attitude toward county reorganization. The fifteen counties listed in table V include the seven which voted for both amendments by negative votes of less than 59 per cent (the most favorable group) in addition to others not so friendly, but exclude no county which has shown any interest in the two amendments.

If the amendment were written to apply to counties of 50,000 or more population, it would include eighteen of the eighty-three in the state—three more than were included in table V. Although some of these counties have indicated no interest at the present time, it may be assumed that as they grow above 50,000 population the problems of county government will increase to a point where reorganization will be desirable. Perhaps such an amendment would be the most liberal of any that could be submitted based on population limits. It would affect 76.1 per cent of the total population, and thus would be almost as difficult to effect as a statewide amendment.

A limitation of 65,000 population would include all counties interested. This low limit is considered because of the favorable vote in Washtenaw County (Ann Arbor), but neither of the next two larger counties has expressed much interest in the amendments. This limitation would affect 72.5 per cent of the total population.

A limitation of 75,000 population would affect twelve counties of which seven are most favorably disposed in the state. But it also includes a few, like Ingham, Calhoun, and Saginaw, which are relatively neutral and can scarcely be counted upon for any great support. The 75,000 limit would affect 68.5 per cent of the total state population.

An amendment limited to counties of 200,000 population or more would affect four counties (containing 52.9 per cent of the total state population) where there has been, with the exception of Kent, almost uniform agreement as to the desirability of county reorganization. The difficulty of this limitation is that it excludes Jackson County which likewise has indicated considerable interest in the county government, due mostly to a rather unsavory experience with several county officials in the past.

The final suggestion is that the amendment be restricted to Wayne County alone, containing about 39 per cent of the total population of the state. There is a great legislative habit of approving measures for Wayne County alone, and perhaps a constitutional amendment would be accepted in the same spirit. But this would exclude Oakland County which was the only county, aside from Wayne, approving the county amendment in both elections.

Just what limits should apply is a matter for decision by those who are favorable to modernization of county government. But it appears that definite limits are very practicable, and that for the most part, the attitudes of the counties toward reorganization fall within population limits. The decision is mostly one of "strategy"—how to quiet the fears of the fearful, and how to secure approval of those who are most affected by need for changes in county government.

### TYPE OF AMENDMENT

The 1934 campaign, based on an amendment which would have provided real local determination of county government, had apparently one serious defect—the composition of the legislative body. In the present constitution the provision that each township shall have one representative on the county legislative body gives control of the county to the rural representatives, although having a minority of the population in all but a few of the counties. There is, perhaps, no justice in this, but likewise there is no reason for these rural voters to be enthusiastic about any county reorganization amendment which would limit their voice in the legislative body of the county. They have not done a very good job, but they do have control and are reluctant to release it.

No county reorganization, however, could continue such a situation because it gives a legislative body in Wayne County of some 151 members in order for Detroit, with 80 per cent of the population, to have a majority on the body. It is entirely practicable, however, to write safeguards into the proposed amendment so that the rural districts will not be excluded from proper recognition, even beyond that of their population strength.

It is thought that any new amendment on county government submitted in Michigan has more than a fair chance of adoption if it is (1) limited by population to a small number of counties who have indicated a desire for change; (2) permissive and not mandatory for the counties to which it applies; and (3) that it definitely provides for minority representation in the legislative body for the territory outside the major city.

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AUTHOR'S NOTE:—An amendment can be submitted to the people of the state in the election held November 1938, if petitions with 174,977 (10 per cent of the total vote for governor) signatures can be secured prior to July 1938, or at least four months before the election.

# Letters to the Editor

To the Editor of the NATIONAL MUNICIPAL REVIEW: .

"Representation of Metropolitan Districts," the article by David O. Walter in the REVIEW for March, has been read with appreciation of its informative statistics and analysis of the problem of representation among metropolitan city areas. I do not find in it, however, any suggestions as to the possible philosophy or political theories which account for the refusal of rural state areas to grant increasing representation to the growing cities of metropolitan size.

Possibly Mr. Walter, like many others, fails to find or declines to accept any philosophy or theory, aside from the political self-interest to all of the representative districts concerned, rural and urban. Hence I raise the question whether different interpretation might be well founded and therefore helpful to solution of the problem involved.

According to Mr. Walter's discussion of the differing types of people, political representation, parties, etc., in the metropolitan and rural areas, it is easy to explain why different types of representatives are sent to state legislatures under these conditions. Briefly, it appears that rural areas, for a variety of reasons, often furnish a higher average of individual ability in legislators than the same number of urban districts. The major cities suffer from mediocrity in representation.

But a more basic problem appears in the control of present political machines over metropolitan cities. When the New York State constitutional convention of 1915 accomplished its creditable result, I recall that Charles Evans Hughes, Elihu Root, and Rufus Choate, who were members, enunciated a theory of representation somewhat like this: a given number of districts in a metropolitan area, which are contiguous geographically, have a political advantage over the same number of districts scattered through the rural areas of a given state. Therefore it is politically unfair to grant equal representation in numbers to the metropolitan districts, because of the greater ease with which their common political interests can be protected and directed, as compared with the same number of rural districts.

In this rough statement may be found the implicit and rarely accepted reason why every American state having a metropolitan city just naturally refuses to reapportion on a population basis. The unfairness of *equal* representation is a matter of political instinct, though not of published principle.

Second. I raise the question whether under these conditions metropolitan cities of America will do better for themselves by ceasing to demand equal representation on the basis of population, in both legislative chambers, while they spend their efforts intensively toward achieving a higher level of individual ability in their legislative personnel. Good authorities can be found, who are practical politicians in the good sense, and who contend that a fair equilibrium in legislative results can be achieved just as well by a small number of legislators who know their business, as by a large number who are unwisely directed or who are known to be dominated by a gang of machine politicians.

Very truly yours,

W. P. LOVETT

Detroit Citizens League.

# Recent News Reviewed

NOTES AND EVENTS
*Edited by H. M. Olmsted*

**The Regents' Inquiry Reports Need for School District Centralization in New York State.**—A new plan for linking together New York's six thousand little red schoolhouses and establishing modern central schools throughout the entire state was issued as the first conclusion and recommendation of the Regents' Inquiry into the Character and Cost of Public Education in the State of New York.

The plan is in essence a method of extending New York State's existing system of central schools to all of the territory in the state outside the cities, which already have their own central systems. The new plan relies on "the democratic process" in that the master plan for the state as a whole, though adopted by a special state commission appointed by the governor for the purpose, will be based on local plans drawn by regional committees after local study and extensive public hearings. While the new larger and more efficient districts will be set up in accordance with this plan as worked out by state and local cooperation, even then no little red school will be closed until the voters of the former district vote to close the school itself. But the administrative unit will be enlarged so that there can be proper supervision of the teacher in the single-teacher school, and so that the older children can be taken to central schools and offered the opportunity of a modern education.

The advantages of this centralization are many. First, the children would benefit through better schools, larger classes, and better prepared and supervised teachers. They will also have more books in the library and more attention given to health and other special needs.

Second, the teachers themselves would benefit. In large districts the teachers can have better salaries, graded classes, good supervision, tenure, and more satisfactory local living conditions, all of which are necessarily lacking in small districts.

Third, the taxpayers locally and in the whole state would benefit. Larger districts will greatly reduce small classes which are expensive. Hundreds of small districts with four or less pupils, paying an average of $397 per pupil for education, will be able to provide a better education at about one-third the cost. Local valuations varying from $800 to $114,000 in small districts will be "ironed out" in larger districts.

Fourth, the local school board, other school officials, and the State Education Department would benefit. With larger districts the local board can afford a superintendent or supervising principal, and a clerk to keep records and make out reports, facilitating the better management of the district's affairs. The State Education Department could deal more efficiently and effectively with local school officials than with classroom teachers.

The preliminary statement cites centralization of school districts as a prior and fundamental need in New York, without which many other improvements to the educational system cannot effectively be made.

Studies of district organization, school costs, and state aid, as well as other studies bearing directly upon the central issues and major problems in public education will be published this spring when the final report of the Inquiry is made. STERLING ANDERS

Regents' Inquiry into the Character and Cost of Public Education in the State of New York

**Seattle Elects a Mayor.**—Seattle voters in a nonpartisan election on March 8th elected Councilman Arthur B. Langlie, businessman's candidate, as mayor for the two-year term beginning next June. Langlie decisively defeated Victor A. Meyers, colorful jazz bandsman and present lieutenant-governor of the state of Washington, by a final unofficial vote of 78,997 to 48,411, as a record number of voters turned out to bring to a close a month of vigorous campaigning and political turmoil. Langlie will succeed John F. Dore, twice mayor but easily eliminated in the February 21st primary, when he received only 19 per cent of the total vote to finish a bad third in a nine-man field. Mayor Dore's unexpected early elimination is attributed by Seattle commentators to widespread dissatisfaction with his relations with A. F. of L. leader Dave Beck, plus a serious illness that kept him from campaigning.

Langlie entered politics three years ago as council candidate of the now disintegrating Order of Cincinnatus, a young businessmen's, real estate and tax-reduction group dedicated to clean government; but he campaigned this time as an independent, professing complete aloofness from Seattle political party organizations, and speaking of himself as "the people's candidate." He made a straightforward campaign of the type calculated to appeal to conservative and middle-of-the-road voters, and attracted to his standard in the final election the support of big businessmen, small businessmen, middle-class conservatives, some A. F. of L. trade unionists, and many independents who were ready to turn to the right after several years of intermittent labor warfare in the city. Langlie almost ignored his opponents during both primary and regular campaigns, and emphasized in his program (1) need for sound municipal finances based upon efficient but low-cost government; (2) opposition to additional taxation; (3) solution of Seattle's twenty-year-old transportation problem, inherited from former Mayor Ole Hanson's purchase at an alleged excessive price of the present obsolete street railway system; (4) opposition to labor racketeering and labor irresponsibility, but impartiality in the current A. F. of L.-CIO struggle; and (5) re-establishment of Seattle's reputation with the rest of the country. He anticipates the support of a council majority, since only one of the six incumbent councilmen can be counted an opponent, and all three of the candidates just elected are probably favorable to his program.

Lieutenant-Governor Meyers from the beginning of the campaign appealed directly to labor and liberal support. He came out strongly for (1) labor unity; (2) low-cost public housing; (3) maximum relief payments; (4) the six-hour day; (5) new water, occupation, and chain-store taxes, if necessary to solve Seattle's fiscal problems. Meyers was backed by the Washington Commonwealth Federation, progressive political coalition now working within the state Democratic party as its "left wing," by CIO unions, by some A. F. of L. rank-and-file unions, by unemployed groups, and by independent liberals. Despite his realistic campaign many Seattle voters evidently translated a dislike of the alleged Dave Beck competition-eliminating price-fixing into hesitancy to support any labor candidate. His failure also revealed the lack of experienced and convincing candidates among Washington liberals and CIO unionists.

Such traditional municipal issues as public ownership and city manager government were absent from the campaign.

Seattle's three big daily newspapers avoided open partisanship, but all rejoiced editorially at Langlie's victory.

Seattle thus faces two years of government by a moderate conservative with an indefinite mandate from a heterogeneous group of voters and strong support in the city council. Langlie's opportunity to become the "people's mayor" probably depends upon his own ingenuity and the degree to which some of his more powerful backers will allow him to act independently.

Robert L. Fisher
College of the City of New York

**Manager Plan Developments.**—The town of Springfield, Vermont, (4,943) voted on March 1st by an overwhelming majority of eight to one to continue the town manager government which has been in effect for eighteen years. Huron, South Dakota, (10,946) on March 15th voted to retain the manager plan by a majority of 2,004 to 758. Beloit (23,611) and Fort Atkinson, Wisconsin, (5,793) both voted on April 5th to retain their present manager charters. In the former city the vote was 3,502 to 3,142; in the latter 1,202 to 870.

Much interest in the manager form of government has been expressed at recent annual meetings of Maine towns. Dover-Foxcroft, at its annual town meeting held March 14th, adopted a manager plan charter by a vote of 292 to 141. The charter had previously been approved by the 1937 Maine legislature. Milo, at its annual meeting, also adopted the plan by a vote of 240 out of 256. Voters of Freeport instructed the moderator of their town meeting to appoint a committee of five to investigate the advisability of adopting a council-manager form of government and to report back to the meeting. Brunswick at its meeting on March 1st adopted a proposal to appoint a committee to draft a town-manager charter for submission to the legislature. The same action was taken by the voters of Caribou at a meeting held on March 21st. Pittsfield voted on March 14th to petition the next legislature for a town manager charter. Machias took the same action at its annual town meeting held March 30th.

On March 22nd Odessa, Texas, defeated a proposed manager charter by a vote of 820 to 400. Braintree, Massachusetts, (15,712) at a recent town meeting defeated a referendum providing for town manager government by a vote of 2,040 to 1,757. Fort Collins, Colorado, (11,489) on April 5th defeated a proposed manager charter by a vote of 1,902 to 1,546. In Grand Forks, North Dakota, (17,112) which also voted April 5th on a new manager charter, the vote was 3,325 to 2,905 in its favor. Since a four-sevenths majority was needed, however, the charter failed of adoption.

Chesterfield County, West Virginia, (26,049) will hold a referendum on the adoption of a county manager charter on May 12th. This will be the second time in seven months that this question has been submitted to the voters.

Houston, Texas, (292,352) has a commission for the drafting of a new charter. Much interest in the manager plan has been expressed. In Montreal (818,577) also, where a charter commission has recently been appointed, the manager plan is being discussed.

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**Survey of Manager Governments Undertaken.**—The Committee on Public Administration of the Social Science Research Council is undertaking a survey, through the facilities of its own staff and through coöperation with numerous faculties in the colleges and universities throughout the country, of cities which are operating under the council-manager form of municipal government.

A comprehensive "pilot" study of the council-manager plan in Austin, Texas, has been prepared by the staff of the committee and exhaustive outlines and specifications for the use of those who find it possible to cooperate in this research project have been developed. The result should be a series of thorough surveys which, because of the availability of such outlines and specifications will yield comparisons not otherwise attainable.

The project specifications are in three main divisions: Part I, political, social, and economic phases of council-manager government; Part II, administration under the council-manager plan; Part III, public opinion on the city government and council-manager plan.

The International City Managers' Association reports that more than 11,000,000 people are now living in cities having council-manager government.

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**State Constitution Revision Undertaken.**—This month the New York State constitutional convention is meeting in Albany, beginning April 5th, and on May 11th convention delegates will gather in Concord, New Hampshire, to discuss proposals for amendments to the constitution of that state.

Probable measures before New York's 168 delegates include: reorganization of the judicial system and changes in state administrative departments, and creation of a state department of justice to coördinate state and local agencies for crime control; broadening of city and county home rule, and limiting of local mandatory expenditures and municipal indebtedness; proportional representation; improvement of state budgeting methods; state aid to highways, public and sectarian schools, health, and poor relief; tax exemptions and tax limitation; consideration of initiative and referendum proposals; reorganization of state and local civil service, including pension systems; labor and social welfare matters.

Among subjects reported as facing the New Hampshire convention are: tax revision, including graduated personal income and sales tax proposals, and revision of forest and real estate levies; time limit on legislative sessions; reduction of size of lower legislative house, now numbering 418 members; possibility of establishing the office of lieutenant-governor.

**Planning Boards Federate in New York State.**—In order to provide a medium for the interchange of ideas and experiences in planning and zoning matters, to sponsor legislative programs for the improvement of the planning laws, and for related purposes, the New York State Federation of Official Planning Boards was recently organized by representatives of regional, county, city, town, and village planning agencies in that state. Temporary officers include J. Franklin Bonner, director of the Monroe County Division of Regional Planning, *president;* and Thomas W. Mackesey, of the Division of State Planning, *secretary*.

All official planning agencies in the state, including zoning boards of appeal, are eligible for membership; associate membership is open to unofficial organizations and to individuals interested in planning. A state conference will be held this spring.

**Michigan League Aids Personnel Administration of Sixteen Municipalities.**—Installation of service rating systems in Saginaw and Kalamazoo marks a new stage of development of the municipal personnel service of the Michigan Municipal League. Since it was set up in February 1936, a total of sixteen cities and villages have utilized some part of this service. The league, on a "contract and cost" basis, offers assistance ranging from establishment and administration of whole or partial merit plans to giving tests for a single position.

Saginaw, Kalamazoo, and Royal Oak have contracted for the full administration of their personnel programs by the league's service. Other cities where work has been done range in size from Flint, with a population of 156,000 and 1100 classified employees, to Marine City, population 3,500, where eleven employees are under the merit system.

The small municipality's civil service operative needs are taken care of in several other states besides Michigan, according to the Civil Service Assembly. New Jersey cities may by referendum place their employees under the jurisdiction of the state civil service commission. In New York the state commission supervises civil service in small towns and villages. Arkansas and Tennessee passed civil service laws in 1937 enabling the state to serve municipalities on a contract basis. California counties also may perform personnel work for cities and villages within their areas on a contract basis.

**Civil Service Survey of National Scope Undertaken.**—An unprecedented nation-wide survey of public personnel administration was announced on March 23rd by the Civil Service Assembly of the United States and Canada. It is expected to be in progress more than a year, and will require the coöperation of civil service agencies in about forty jurisdictions. The actual policies and procedures of these will be gone into and on the basis of the experience of the agencies studied and the advice of personnel authorities, standards of practice will be worked out.

Among jurisdictions coöperating in the project are the city and county of Milwaukee, Wisconsin, where representatives of the CSA are already at work; Duluth, Minneapolis, and St. Paul, Minnesota; Tucson, Arizona; Los Angeles County and San Francisco, California; Cincinnati, Ohio; Denver, Colorado; Jefferson County, Alabama; Knoxville, Tennessee; and New York City; and the states of New York, New Jersey, Massachusetts, Michigan, and Wisconsin.

The survey is not to be a probe, and no recommendations for changes in any individual system will be made, but in each jurisdiction visited the assembly's field men will gather material by interviews with personnel officials and through examination of files and records, following an outline completed with the aid of personnel authorities from all sections of the country. All information will finally be assembled on a functional basis, so that policies followed by civil service jurisdictions on position classification, test procedures, etc., may be seen at a glance. The entire collection of material will then be prepared as an authoritative guide to policies and practices in the field of public personnel administration.

**Relief Load Increasing; Financial Provisions Lag.**— On March 20th the American Association of Social Workers announced the results of a broad survey of the relief situation, which showed a marked increase in relief applications and generally inadequate means of providing relief. The inquiry covered forty-three representative areas in twenty-eight states. Among the findings included in a summary of significant points were:

Periodic relief cessation in many sections, and direct relief allowances "shockingly low" in

many other areas; available state and local funds for direct relief exhausted in many sections; eligibility rules for relief being made more rigid; evidence that the WPA program has not been able to absorb all employable needy on relief rolls; WPA wages inadequate for large families in some sections;

Little or no care available for transients in many areas, and denial of direct relief or WPA placement to aliens in some sections; widespread layoffs in industry and drastic payroll cuts; low-paid jobs in private employment forcing full-time workers to seek supplemental aid; federal surplus commodities, intended as a supplement to relief, being issued in place of relief in some southern areas.

■

**Progress in Police Training.**—Proposed legislation in New York would make it the first state with mandatory schooling of policemen in service, according to the International Association of Chiefs of Police. Under the proposal, any person appointed or employed as a police officer after July 1, 1938, on any city's police force totaling four or more members, must attend a police training school for at least two weeks during his first year on the job. The training schools must be approved by the New York State Board of Regents. The state department of education will help organize courses of study for patrolmen in service who want to take examinations for promotion, help establish classes in the public day and evening schools, and coöperate with colleges and universities in setting up special courses and issuing certificates.

Policemen were among the first governmental employees for whom in-service training was provided, the IACP pointed out. New York State itself, through its conference of mayors, has had police training courses for ten years.

Short training courses have been held annually by other leagues of municipalities in Kansas, Minnesota, Oregon, Texas, and Virginia, and they recently were instituted in Colorado and Michigan. Several universities, among them Northwestern, Purdue, Fordham, the Universities of California and Southern California, and Massachusetts Institute of Technology schedule classes in criminology for peace officers of experience. Another recent development is the Federal Bureau of Investigation's National Police Academy, which in 1935 invited the first group of municipal law enforcement officers to Washington for a six weeks course, and from which 187 state and municipal police officers have graduated in two and a half years.

The Northwestern University Traffic Safety Institute has received a grant of approximately $15,000 from Alfred P. Sloan, chairman of General Motors Corporation, to provide twenty police fellowships at the institute. Twelve of the fellowships will be granted to active policemen for study at Northwestern University, who will be selected on the basis of the outcome of the National Safety Council's annual contest, the winning states and cities being entitled to nominate men for the fellowships. The institute's seventh traffic officers' training school, a basic course for municipal police, was held from March 14th to 26th at Evanston, Illinois.

The second annual traffic officers' training school for police and traffic officers in Pennsylvania will be held April 18th to 29th at State College, under the auspices of the Institute of Local Government of Pennsylvania State College. The director of the school is Captain H. S. Carey, Altoona police chief and chairman of the educational committee of the Pennsylvania Chiefs of Police Association.

## COUNTY AND TOWNSHIP GOVERNMENT

*Edited by Paul W. Wager*

**The Mississippi Industrial Program.**—The Mississippi industrialization program received a decided impetus in the recent Supreme Court decision (*Albritton* v. *Winona*) upholding HB No. 1 of the 1935 extraordinary session.

This measure created a three-member industrial commission empowered to pass upon applications of cities, counties, or both for certificates of public convenience and necessity authorizing special elections upon bond issues to finance the construction of industrial plants to be equipped and operated by the municipality or leased to private persons. Approval of such certificates depends upon proof that the resources and labor necessary to operate such an enterprise as that proposed exist within a given radius. The bill sets forth that the state's obligation to its citizens may be regarded as extending to the fostering of a program designed to balance

agriculture with industry and thereby to provide work for surplus labor. After about one year of operation unchallenged, it appeared necessary to ascertain the constitutionality of the act. Specifically, certain major industries indicated an interest in locating in the state provided they had assurance of the law's validity.

Reviewing the provisions of the industrial act, the court held: (1) the care of the poor, the relief of unemployment, and the promotion of agriculture and industry are undoubtedly proper governmental purposes and are so recognized everywhere and by all; (2) the method provided in the industrial bill is held reasonable; (3) it is pointed out that the tax levied to retire bonds issued under the act goes to pay for a site and building, control over which remains in the municipal corporation; (4) although the statute does not prescribe the terms of leasing, it is presumed that care would be taken that the leases are so worded as to regulate the operating conditions of the industry so as to meet the purposes of the act, that is, to promote the public welfare by providing employment for surplus labor, to provide a means of using natural resources and products of the state, and to promote agriculture; (5) the power of eminent domain is not the state's taxing power, but the power of the state to take a specific piece of individual property for public use. The statute does not permit subscription to stock or loaning of credit; it merely permits the leasing of municipal property for use by private individuals.

It would seem that the court is alive to the growing tendency of government to take a guiding hand in relationship to private business, in so far as it is affected with the public interest. Community action in securing industries is no new thing, but action by the public authority to procure enterprises excites considerable comment because of its departure from the preceding method. Industrial America has enjoyed governmental protection against foreign competition under a protective tariff since the beginning of the republic. The inequalities between a protected industry and unprotected agriculture will eventually drive the agricultural areas to seek industries to take care of surplus labor, and build up per capita income, in order to promote better opportunities for its citizenry.

It may be interesting to cite the achievements under the law up to the time of its court test. To date, nine certificates of public convenience and necessity have been issued by the industrial commission authorizing elections to be held on bond issue proposals, and eight of these received the required two-thirds majority. These authorized the issuance of $307,000 in bonds and the use of $10,000 of unexpended public funds to acquire sites and construct buildings to be leased to eight new industries employing about 2,200 persons, and increasing the industrial payroll of the state approximately $1,500,000 annually and adding $2,500,000 of taxable personal property to the tax rolls after the five-year tax exemption period has expired. The cost to the state in handling the program thus far, November 4 to June 30, 1937, has been $15,000.

It is possible that some of these industries may not succeed, but American industry has always had its percentage of failures. It is a feature of the act that the commission shall approve a bond issue referendum only if satisfied that the labor supply and materials are adequate and, more important, that the proposed industry is substantial and may be depended upon to remain in the community. This is a mandate to guard against "fly by night" plants. If a reasonable proportion of these investments in community assistance to citizens show a ten-year or twenty-year improvement in living standards, educational opportunity, and general well-being, the industrial program may be regarded as a pioneer move in seeking substantial recovery from the conditions suffered by an almost purely agricultural society.

D. W. Knepper
Mississippi State College for Women

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Editor's Note.—There is, of course, some difference of opinion as to whether the program outlined above is a wise one for local governments to undertake.

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**Closing Missouri Almshouses.**—In 1932 the voters were frequently told that the adoption of a constitutional amendment authorizing old-age assistance was the first step toward closing Missouri's one hundred county almshouses. The amendment was adopted, but the legislation to make it effective was not passed until 1935, following the estab-

lishment of the federal social security program.

At last, with over 50 per cent of those over seventy years of age on old-age assistance rolls, one county almshouse has been closed. Seven of Worth County's inmates having received assistance, the eighth was placed on direct relief and the almhouse closed, saving the county about $2,000 per year. Incidentally, Worth is the smallest county in area in the state and among the smaller in population.

Perhaps a majority of the almshouses should be closed for lack of sufficient inmates to maintain an institution on an economical and efficient basis. As a rule, about half of the occupants are entitled to old-age assistance; the others should be placed on direct relief by the county or in district infirmaries. The latter solution was authorized by a law of 1923, but it remains unused. A few counties, however, do send their poor to houses in adjoining counties, contracting for their care.

William L. Bradshaw
University of Missouri

**Minnesota Will Take Title to Tax Delinquent Lands.**—The Minnesota Taxpayers Association reports that the Legislative Interim Forestry Committee has before it a recommendation by the state forester to the effect that the lands of Minnesota be quickly classified and that legislation be enacted to facilitate state title to tax delinquent lands suitable for reforestation. The state forester told the committee that these steps were necessary to stave off the bankruptcy of several counties which have higher bonded indebtedness than they have assessed valuation. He emphasized the necessity of acting immediately to renew the forest resources before the counties go broke.

**Prospects Better for Improved County Government in Kentucky.**—Financial problems of county governments in Kentucky are the principal subjects under consideration in the special session of the Kentucky general assembly which was called March 7th.

There has been introduced into both houses, with the approval of all groups, a bill which (1) provides for the refinancing of county debt; (2) requires each county to prepare and administer, under central supervision, an annual budget; and (3) makes mandatory uniform county accounting.

Moreover, it is not an exaggeration to say that definite, though by no means satisfactory, advances have been made during the last four years. In 1934 the general assembly passed certain initial legislation, and since then the counties have made material progress, especially in financial matters.

James W. Martin
Kentucky Commissioner of Revenue

## TAXATION AND FINANCE

*Edited by Wade S. Smith*

**Absorbing Disaster Costs.**—From February 27th to March 2nd more rain fell in southern California than had fallen in any similar period in the region's recent history, and by March 3rd Los Angeles newspapers as well as the nation's press were scare-headlining a flood-ravaged Los Angeles area. Los Angeles and its satellite cities were isolated for two days, upwards of a hundred lives were lost, and property damage in a number of scattered communities was high. Here was a disaster of major proportions, from which the all-pressing question arises, how are the costs of repairs and replacements to be met?

At the outset, it must be understood that the damage in this disaster, as in most, was exceedingly spotty. Situated on a plain with close-lying mountains to the north and east, the city of Los Angeles contains within its sprawling corporate limits slightly over 452 square miles of territory. A large section of Los Angeles proper includes part of the Santa Monica mountains and canyons, while a large number of the suburban developments were in canyons or washes—dry stream-beds liable to become raging torrents when precipitation is unusually heavy. And much of the other intensive development is on the flood plains of the Los Angeles and Santa Ana Rivers. Damage may therefore be roughly classified as being confined to three geographical situations—first, damage in the hills and canyons where the rapid and heavy run-off made the effects particularly spectacular; second, damage on the flood plains where ordinarily dry rivers overflowed their channels and spread out over the surrounding lowlands; and third, damage in other low sections where drains proved inadequate to carry off the rapid fall of water.

Affected areas were relatively small, and often miles from each other.

Because of its large area, the major share of the damage was of course sustained within the Los Angeles city limits. Wholly reliable estimates of private losses are not yet available, but damage to city structures and properties was estimated at around $3,000,000 with the likelihood that the final determination will be close to this sum. Undermined pavements and sidewalks, damaged or destroyed bridges (mostly the older structures), breaks in the municipally-owned power distribution system, and damage to sewers and water mains at river crossings were the principal losses. State and federal grants of one kind or another will cover a large share of the replacement costs, under present plans, and the out-of-pocket demands on Los Angeles taxpayers to finance the reconstruction is problematical, probably will not exceed amounts which can easily be absorbed in next year's tax levy supplemented by a small amount of borrowing.

In the other cities, damage might well be termed nominal as far as municipal replacement costs are concerned. Glendale was perhaps the hardest hit, with damage principally to its public utility enterprises which may run to $200,000, an amount which can be easily absorbed from cash surpluses and reserves for contingencies. Burbank, Beverly Hills, Pasadena, and other similar cities sustained very small damages, with repair costs within departmental contingency reserves.

In Orange County, where the Santa Ana River flows for most of its course through the Los Angeles area, damage was more appreciable. Anaheim, with three feet of water running in its business street, a new park gutted like a south-sea island after a hurricane, and pavements and mains torn out of place in some sections, was hard hit. There is little doubt that the city will find it impossible to meet locally any large share of rehabilitation costs, but negotiations have already been started to secure federal aid, and the direct city cost, while it will probably be burdensome, will not precipitate anything approaching a local financial crisis. In Riverside, where the Santa Ana River also left its channel to return to an old stream bed, the same situation obtains. Santa Ana, the county seat, was virtually unaffected, but damage throughout the county is conservatively estimated at perhaps $6,000,000.

At this writing, over two weeks since the flood hit, it seems unlikely that any of the affected communities will have to resort to capital borrowing to meet repair and replacement costs. Large amounts of state and federal aid will be required in a few cities to accomplish this, but by and large current funds will suffice. Why?

The answer to the whole situation, as far as municipal outlay goes, is to be found in a combination of two financial requirements found generally in California law. One is the almost universal city charter provision that no expenditures may be made unless the cash is actually in hand. The other is the state-established provision that taxes are due in December and April—or approximately six and ten months respectively from the beginning of the July 1st fiscal year which is almost universally used by California cities. The combination of these two provisions has led California cities to build up sizeable cash funds, both as current account balances and as cash-basis funds from which operations can be financed until taxes become collectible. Especially in the smaller cities, it is not at all unusual to find current fund cash surpluses equal or in excess of a full year's fund tax requirements. Since cash in revolving or self-banking funds is also available in most instances, the current cash is readily available to meet costs when disaster (or any other unusual expenditure need) arises.

Of course, only a portion of the total damage was sustained by the municipal corporations. The carriers were the largest sufferers, every transportation line into Los Angeles having sustained damage sufficient to interrupt service for a day or longer. A considerable amount of personal property in residences was damaged, and automobile repair shops have been doing a rushing business cleaning and rebuilding cars and trucks caught in high water. Damage to private structures was not proportionate to the number of homes inundated, however, since except in isolated instances the better constructed buildings were not extensively damaged. An interesting feature of the flood is that it coincided almost to the day with the final date for fixing property valuations for taxes, which under California law must be as of March 1st. In Los Angeles County the assessment rolls will be revised as taxpayers

bring in their claims, and in Orange County the county assessor is sending his staff out again to reappraise all properties in the damaged areas. The reductions in valuations will be impressive in dollar amount, according to present indications, but probably will not affect any great reduction on a percentage basis, except in Anaheim and Riverside.

An important feature of the disaster, and one which prevented real catastrophe, is the recent flood control works in the area. Following the bad New Year's Day flood of 1934, Los Angeles flood control works were extensively overhauled, and the dams and run-off channels of the county flood control and drainage districts, in which the taxpayers have a present outstanding debt of around $36,000,000, were instrumental in confining damage in Los Angeles County to a relatively few areas. Orange County, which had authorized $2,500,000 bonds for its share of a county flood district calling for a total outlay of around $14,000,000, had not yet begun construction, and was without real protection. Where flood control works were completed, they worked well, and the fact that property damage and loss of life were not higher is a tribute to the effectiveness of the work. The flood demonstrated some weaknesses, particularly in older works, and it seems unlikely that a similarly heavy rainfall, coming after revised plans have been carried to completion, will produce more than nominal damage.

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EDITOR'S NOTE.—Mr. Smith was in southern California when the big rains began, and arrived in Los Angeles Monday night just before the flood waters cut off all outside transportation. He circled the flood area by automobile after the main roads were again passable, contacting officials in all the more seriously affected cities.

## PROPORTIONAL REPRESENTATION

*Edited by George H. Hallett, Jr.*

**New York Cities Start Drives for P. R.**—Under the influence of New York City's successful use of proportional representation last fall, no less than four other cities in the Empire State have started definite movements for the adoption of P. R. for their own city councils.

In Rochester civic leaders are giving serious consideration to P. R. because of disappointment over the domination of their city manager government by partisan councils for a number of years past. The League of Women Voters recently held a well attended public meeting at which prominent citizens of Rochester were elected to a mythical city council in a demonstration P. R. election.

In Schenectady, which has the city manager plan under similar handicaps, a representative committee headed by Richard K. Hamlin has been formed to organize a campaign for P. R. for the city council. A public meeting to launch the drive was held in the education building the evening of March 16th. Emslie E. Murray, retiring president of the Schenectady Taxpayers' Association, had strongly urged P. R. for both city and county at the annual meeting of that organization a month before. The Schenectady League of Women Voters has voted to join the city campaign and the Charter League and the Bureau of Municipal Research have been studying P. R. and helping to explain it to the public.

In New Rochelle, which also has the city manager plan but has suffered from unrepresentative councils, a P. R. amendment is being prepared and educational work started.

In Yonkers the City Manager League is circulating petitions to put the P. R.—city manager charter amendment referred to in our February issue on the ballot. The mayor's charter commission devoted one of its public hearings largely to P. R. and is known to be considering the subject seriously. In February former Mayor William J. Wallin included P. R. with a fixed quota of 10,000 in a sixteen-point program of charter revision which he presented to the commission.

It is possible that all four of these cities will be voting on the adoption of P. R. at the general election next fall.

There is even some interest in the state's second city. "Whenever the time comes for Buffalo to consider a new charter," said the December 23rd bulletin of the Buffalo Municipal Research Bureau, "perhaps something along this line would help. . . : (1) a common

council elected on a city-wide ticket by the proportional representation method to insure minority representation, the party primaries for these offices abolished, nominations being by petition; (2) an elective 'official' mayor, and an appointive city manager."

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**Extensions Urged in Massachusetts.**—Last year the Massachusetts General Court passed and the governor signed a new law by Representative Christian A. Herter of Boston which made P. R. for councils and school committees and preferential voting for mayors available by petition and popular vote for all cities and towns in the state, but the application of the bill to the Boston city council had to be excluded and the governor vetoed a bill by Representative Rufus H. Bond of Medford making the combination of P. R. and the city manager plan similarly available for all cities except Boston.

This year, in addition to an expected attempt to remove the exception as to the Boston city council, a very promising effort is being made to legalize the P.R.—city manager combination. Representative Bond reintroduced his bill (House Bill No. 791), which adds a new "plan E" to the optional forms of city government, at the beginning of the session. On February 25th, however, the state's special commission on taxation and public expenditures, consisting of three members appointed by the governor, three by the speaker of the House, and one by the president of the Senate, submitted a report to both houses unanimously recommending the adoption of Mr. Bond's bill with minor modifications and introduced a bill of its own (House Bill No. 1710) for that purpose. The principal changes are the substitution of the P. R. rules of the Herter law for most of the complete and slightly different set of rules in the Bond bill, and a provision that plan E shall not be submitted at the same election as a proposal for P. R. without the manager plan or for a preferential vote for mayor.

The proponents of the Bond bill, led by Chandler W. Johnson of Cambridge, have accepted this substitute and are working hard for its adoption. With the special commission's backing there seems a good prospect that it will become law.

Among the cities most interested in plan E are Cambridge and Springfield, which has an official charter commission now at work. The Springfield Taxpayers' Association has publicly urged the commission to recommend a unicameral city county elected by P. R. to replace the present bicameral body. The combined Sunday edition of the *Springfield Union* and the *Springfield Republican* for February 27th contained a full-page illustrated article by William Henry Wright at the beginning of its special feature section entitled "Proportional Representation, the Key to Good Government."

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**Montreal Considering P. R.**—The *Municipal Review of Canada* for February 1938 contains the following note referring to the charter commission of Montreal, appointed by the mayor and city council, which contains representatives of various civic bodies and which is known to be considering the possibility of P. R. for that city:

> Alderman W. H. Biggar, K. C., the honorary secretary of the Federation of Mayors and Municipalities, in a letter to the mayor of Montreal's committee now studying a new city charter, made certain recommendations including two that should be of interest to all students of municipal government. The first refers to proportional representation. "I recommend proportional representation," wrote Mr. Biggar, "believing that it can be applied to this territory. A definite study of this topic should be made by those knowing the benefits of its operation. New York's example is at hand."
>
> What Alderman Biggar suggests for Montreal is equally applicable to all urban municipalities in Canada, as was shown in the article by John H. Humphreys which appeared in last month's issue of the *Review*. Proportional representation is undoubtedly gaining ground everywhere it has been tried; this is indicated in the reports received from all parts of the world—particularly democratic countries—by the Proportional Representation Society of Great Britain, central organization of the movement. We suggest that, although not yet accepted by municipal Canada, this new science of voting is worthy of serious study.

In addition to the official charter committee the Montreal Board of Trade has been making a study of P. R., with special reference to the recent experience in New York City.

**P. R. for Local Elections Debated in British Parliament.**—On February 25th the British House of Commons considered on second reading a "private member's bill," introduced by Sir William Wayland, Conservative, to provide the Hare system of P.R. for the councils of metropolitan and county boroughs and the London county council. Sir William spoke for the bill with a background of experience as former mayor of Deptford and was supported by Cecil H. Wilson, former leader of the Labour party in the city council of Sheffield, and Sir Percy Harris, Liberal, a deputy chairman of the London county council.

Prominent members from Birmingham, Bradford, and London, and A. P. Herbert and Sir Arthur Salter, independents elected by P. R. from Oxford University, were prepared to speak also, but at lunch time an opposition member raised the point that there were not enough members in the chamber to make the debate legal and the measure was thereupon "counted out." Since bills not sponsored by the government can be considered only on private members' days and then only if their sponsors are lucky in the draw for the limited time available, this manoeuvre killed the bill for the time being.

Sir William believes he would have carried the measure if it had been put to a vote and has announced that he will continue to enter the contest for private members' time in the hope that he can bring it forward again.

Before the debate the case for the bill was circulated in printed form by ten of its parliamentary supporters, including Lord Wolmer, Conservative. The argument cited such examples of electoral injustice as the election of eleven members out of sixteen to the Sheffield city council by a Labour minority in 1937, while the Progressive party with more votes elected only five; the election of twenty-five members by the Conservative party to Labour's six in the 1937 council election in Liverpool, though the Conservatives polled only half again as many votes as Labour; and the complete monopoly of seats in each of seven London boroughs by either the Municipal Reform party or the Labour party in spite of considerable numbers of votes cast for their opponents.

## GOVERNMENTAL RESEARCH ASSOCIATION NOTES

*Edited by Robert M. Paige*

**Bureau of Municipal Research of the University of Texas.**—The Bureau of Municipal Research in 1937 completed a survey of public libraries maintained or assisted by incorporated cities in Texas and published a report of the survey under the title, "Municipal Libraries in Texas." The report was under the authorship of Dr. Harry L. Case, who was then a member of the bureau staff.

Dr. Stuart A. MacCorkle made a study of state financial control over cities in Texas and this material was published in monograph form by the Arnold Foundation of Southern Methodist University in Dallas, Texas. Articles by bureau staff members have appeared in various periodicals and have dealt with such problems as tax collections and parking meters.

In August 1937, Dr. Roscoe C. Martin resigned the directorship of the bureau to join the political science staff of the University of Alabama. He was succeeded as director by Dr. Stuart A. MacCorkle, for several years a member of the staff of the department of government of the University of Texas.

Throughout the year the bureau continued its policy of coöperating with local agencies as well as its contact with national organizations. Staff members attended the state conventions of the League of Texas Municipalities and the Municipal Finance Officers' Association. At a joint meeting of these groups R. Weldon Cooper, assistant director, presented a paper dealing with delinquent tax collection methods. The bureau was represented at the regional planning meeting sponsored by the Texas Planning Board, the annual convention of the International City Managers' Association held in New Orleans last fall, and the annual convention of the American Political Science Association held in Philadelphia during December.

The Bureau of Municipal Research has followed its policy of coöperating with state and local agencies. In July it supervised the grading of some eight hundred patrolmen's examination papers for the State Department of Public Safety. Coöperation between the

bureau and the League of Texas Municipalities has continued.

At the present time the bureau has three research projects under way: (1) municipal police administration in Texas; (2) powers of municipal corporations in Texas; and (3) powers and duties of municipal officials in Texas. All of these, it is hoped, will appear in printed form during the year 1938.

STUART A. MACCORKLE, *Director*

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**Taxpayers' Association of New Mexico.**—The Taxpayers' Association of New Mexico has inaugurated a survey of the cities, towns, and villages in New Mexico which own and operate utilities. This survey is intended to be helpful to those municipalities which have issued revenue bonds to be paid out of the earnings of water, gas, and sewer utilities. A representative of the taxpayers' association, with engineering and accounting qualifications, will visit the municipalities that have such utilities and advise with them as to the factors involved in their operations.

RUPERT F. ASPLUND, *Director*

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## FIXING THE JUDGE

(Continued from Page 199)

"What do you plead?" inquired the "tough judge." "Not guilty, your honor," I replied. He gave me a patient hearing, asked me a few questions, and then cross-questioned the police officer. Then he addressed me in a friendly conversational tone, "A plea of 'not guilty' in a case of this kind is unusual; while I have every confidence in your statements and can see that you are a man of substance, I have known this officer for some years and feel sure that he did not arrest you without reason. Do you still plead 'not guilty' to a speed of fifty-five miles per hour?" "Yes, your honor." He turned over a paper and continued, "Well, I wish to be fair to all parties; the road in question is a down grade, and it is possible that you were traveling faster than you realized. Will you plead 'guilty' to a charge of forty-nine miles per hour?" I did not wish to tempt the gods. "Yes, your honor, it is possible that I was traveling at about that speed for an instant while passing another car." "Very well, I shall accept a plea of 'guilty' to a charge of forty-nine miles per hour in a forty-mile zone and fine you the minimum allowed—four dollars and costs. Are you satisfied that this is just?" "Yes, your honor." "Good. Pay the clerk of the court. Next case, please."

The costs were a dollar-fifty. I had received at the hands of a strange judge that which is every free man's right—an open hearing and a fair trial. And so I take off my hat to a "tough judge." May there be many like him, which, despite the well-meaning friends who can fix it, there probably are.

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EDITOR'S NOTE.—For additional information regarding Teaneck, New Jersey, where the incident related above took place, see "The Manager Plan in Suburbia," page 200, of this issue.

## METHODS OF ELECTION AND THE MAKING OF HISTORY

(Continued from Page 213)

Proportional representation is not only a method of election, it embodies a political philosophy. This philosophy can be expressed in the old democratic formula—liberty, justice, fraternity. Liberty, for proportional representation welcomes the expression of all the live forces in a community; justice, in that it gives to every party its due; fraternity, in that it stresses the neighborliness of parties, which, in terms of government, means the maximum measure of co-operation between parties.

One likes to read into this philosophy the idea of federation. The representation of all parties is of the essence of federation, involving and tending to co-operation in the government of city or state. The same philosophy holds good in wider fields. The alternative to war in Europe is federation—federation of the countries living along the Danube, the federation of other areas; federation, it may be, on a larger scale; and if we have vision enough, the coöperation of all countries in dealing with world problems. Proportional representation is no mean philosophy; that justice in human relationships, and this is what it stands for, produces the atmosphere most conducive to peace.

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Editor's Note.—An address delivered before the annual conference on government of the National Municipal League, November 20, 1937, Rochester, New York.

## THE MANAGER PLAN IN SUBURBIA

(Continued from Page 202)

spectful employees' eyes much as a bee gathers honey. The deference which is shown him and his ability appears to be spontaneous, and not the bread-and-butter forced deference usually paid any employer.

Perhaps the chief accomplishment of Manager Volcker in Teaneck has been the bond refunding plan devised by him to level down the schedule of bond maturities. The preceding regime had by unplanned borrowing created a situation in which almost all maturities occurred at the same time, a year which happened, also, to be the trough of the depression. A sound plan of refunding has flattened the peak into a measured and slowly decreasing level over a long period of years, a level which is, contrary to the previous situation, well within the reach of the municipal exchequer.

It would appear that the manager plan may look forward to continued success in Teaneck. The reason is clear. The suburbanite has enough of this world's goods to be conscious of participation in his community, and little enough to be seriously concerned with participation. In other words, his government hits him directly not only in his pocketbook but in his home. There is no better formula for a wide-awake citizenry, and a wide-awake citizenry must be the concomitant of all successful government, city manager or otherwise.

# Recent Books Reviewed

EDITED BY ELSIE S. PARKER

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**The Administration of Federal Grants to States.** V. O. Key, Jr. Chicago, Public Administration Service (for the Committee on Public Administration of the Social Science Research Council), 1937. xviii, 383 pp. $3.75.

In 1930 federal payments to the state under the several subsidy laws totaled one hundred and thirty-five million dollars. In 1936 they amounted to seven hundred and seventy-one millions, having exceeded the two-billion-dollar mark the previous year. This huge increase could be partially explained, to be sure, in terms of emergency payments for relief. But a number of the newer grants are not the product of depression—or, at any rate, are not likely to be discontinued with the disappearance of emergency conditions. Many of the increased appropriations for the support of long established functions will probably continue permanently at their higher level. And several recent changes in the subsidy system, especially with regard to methods of apportionment and federal-state distribution of costs, have introduced entirely new problems.

A volume dealing with the 1937 model of the federal subsidy system is, therefore, clearly in order. And here it is—a concise description and analysis of the system in actual operation. Dr. Key and two associates visited more than half of the states, and discussed the whole range of administrative problems with a large number of state officials and field representatives. Most of the detailed information obtained in this way is omitted, however; there is just enough detail to illustrate the major facts as they are presented.

The system of grants-in-aid is described in terms of administrative problems rather than functions. This plan of organization can be made clear by listing some of the chapter headings: State Plans and Budgets, Federal Inspection and Field Service, The Audit, Records and Reports, Withdrawal of Federal Coöperation, The Role of Associations and Conferences. Every chapter, therefore, contains references to the work of most of the administering agencies.

There is, to be sure, a chapter entitled Conclusions, but few conclusions are reached —at least with regard to questions of policy. Dr. Key states quite frankly that: "This study has been concerned almost solely with the techniques for the effectuation of national policies. There has been no effort to evaluate any particular function or policy." And yet some of the author's beliefs do become apparent from time to time. He declares that the threat of withdrawing federal funds is like the shotgun behind the door—most effective when not used; that a policy of granting large sums to the states without providing for supervision would produce generally undesirable results; and that the grant-in-aid is most useful when made for functions of a "service" character rather than for regulatory activities. These are comments that most informed persons would heartily endorse.

But many basic problems are left untouched —or at least unsolved. How extensively should federal grants be used? For what purposes? What percentage of the cost of each service should be borne by the federal government? By the states? What should be the basis of apportionment? And, most important of all, is it possible to develop standards by which these matters may be scientifically determined?

To say that these questions are left unanswered is in no way to reflect on Dr. Key, who has given us a careful, penetrating and well written description of the subsidy system in practice. But the fact remains that these matters reach to the very heart of the system. Some day they must be answered, if federal grants are to become something more than a combination of chance and practical politics. Perhaps Dr. Key will accept this task as his next assignment.

AUSTIN F. MACDONALD
University of California

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**British Experiments in Public Ownership and Control.** By Terence O'Brien. New York, W. W. Norton & Company, Inc., 1938. 304 pp. $3.00.

This book presents the background, organization, and experience of British dealing with three important industries of national importance: the Central Electricity Board, the British Broadcasting Corporation, and the London Passenger Transport Board.

Each of these concerns is a public corporation created through special acts of Parliament and administered under the supervision of governmental departments. Each is a special enterprise, and its organization and function have been based upon the history and circumstances of the undertaking. None has an analogous counterpart in the United States.

The Central Electricity Board was created in 1926 after successive parliamentary investigations and reports regarding the electric industry in Great Britain. It consists of a chairman and seven other members, appointed by the minister of transport. It has corporate powers as to issuance of bonds, acquisition of property, and conducting operation, and is charged with the general responsibility of coördinating the electric supplies of Great Britain. It is concerned primarily with the transmission of power. While it may establish generating plants, it takes over the electricity generated by numerous private and municipal stations. It has constructed a general transmission system, and transmits the power to the distribution areas. The distribution in turn is mostly effected by private companies and municipal systems. To considerable extent the electricity is resold for distribution by the concerns from which it was purchased.

The board is thus primarily a coördinating device for the pooling of generation and providing transmission for final distribution. At the same time it exercises control over generation, and has brought about material reduction in generating costs and has made low cost electricity available to different sections of Great Britain. It is far from such a system of public ownership and operation as generally understood in the United States.

The British Broadcasting Corporation is, however, a full-fledged organization of public ownership and operation. In its present form it was established by act of Parliament in 1926, under a royal charter of incorporation and under license by the postmaster-general. It has full monopoly of broadcasting in Great Britain. It owns all the broadcasting stations, determines the programs, and maintains a full operating organization. It is financed principally through license fees paid by the owners of receiving sets, at ten shillings a year. While it has some miscellaneous revenues, it has practically kept away from commercial programs whose sponsorship in the United States has furnished the financial support of broadcasting. The British system has thus avoided the enormous nuisance of commercial exploitation, also the needless duplication of stations, and apparently has maintained a high level of entertainment, education, and discussion of public affairs.

The London Passenger Transport Board was created by act of Parliament in 1933. It followed a full century of development in metropolitan transportation which had consisted of different types of transportation and numerous operating units. The board has taken over all the modes of transportation within the "transport area" of about two thousand square miles, except the principal railroad lines which furnish transportation service analogous to American commuter operation. It has complete monopoly, including subways, the tramways or street railways, and bus systems. It took over the properties from the private concerns on the basis of payments to be fixed by a special committee, and subject to an arbitration tribunal.

The transport board is an organization of outright public ownership and operation of a basic public utility service. It represents a scope of transit unification and public owner-

ship that goes far beyond the development in American cities. As to character of organization, it appears well suited for its purposes. Its financial success will depend materially on the fixed charges imposed on the unified system through the acquisition of the former privately owned properties. No data for judgment on this matter are furnished by the author.

The three types of public bodies illustrate the flexibility of the British system for adjustment to different circumstances. The form of organization and the experience should be extremely useful to students of economic organization in the United States as well as in Great Britain. They furnish especially a test of the corporate or authority form to carry out public developments and purposes.

JOHN BAUER

American Public Utilities Bureau

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**The Montana Citizen.** By Roland R. Renne and J. Wesley Hoffmann. Helena, Montana, State Publishing Company, 1937. xii, 384 pp. $1.50.

This is an unusually interesting and provocative textbook, intended, according to its preface, to answer the desire of many public school people for a "concise and teachable civics which would present a picture of government as it exists for the citizen living in Montana."

To a very considerable degree it will be gratifying to those who have long felt that the teaching of civics in our public schools is grievously hamstrung by real or implied taboos of the political powers that be.

Method of approach and treatment is indicated by the title of the introduction, "How We Live Together Through Our Institutions" and by the subtitles, such as "How Institutions Maintain Group Control," "The Family and the Home," etc. In the five units of the book the whole gamut of government is run, centering the student's attention very specifically on problems of his own state and community.

There are many questions and problems. Example (in the section on federal revenues):

"1. Do you believe our federal government was justified in borrowing some three to four billion dollars to pay its bills in a year like 1935 or 1936? Should it have levied additional taxes and paid its bills without borrowing, or should it have reduced its expenditures down to the level of its receipts? Or should it have borrowed as it did? Give reasons for your answers and compare them with those of your classmates.

"2. Write a letter to a friend explaining in a few words why a protective tariff is a very poor revenue producer, and why a tariff that is a good revenue producer gives very little protection to home producers."

Virtually all of the questions and problems are on the daring, provocative side, and many of them encourage the student to look critically at his own state and local governments with the know why urge, as, for example: "Give all the reasons you can think of to explain why most Montana cities are governed by the mayor-council rather than by the manager plan."

The book is amply provided with maps and understandable charts.

A. W.

*

**Parkways and Land Values.** By John Nolen and Henry V. Hubbard. Cambridge, Harvard University Press (Volume XI, Harvard City Planning Series), 1937. xiv, 135 pp. $1.50.

This book defines a parkway—as differentiated from a boulevard, an avenue, or a highway beautified with trees—as "an attenuated park with a road running through it." The authors have selected the parkway systems of metropolitan Boston, Kansas City (Missouri), and Westchester County (New York) for a detailed study of the best examples of parkways. In each instance the following points are covered: general background, topography, and occupancy of the territory under discussion; organization of local government administering the parkways; parkway design; traffic regulation; non-traffic recreational uses; costs with methods of acquisition, financing, and assessment; and the economic effect of parkways on property.

The problem discussed resolves itself into two questions: (1) What is a parkway, what does it cost, what benefits does it produce, who reaps these benefits, and in what proportion? (2) How can these benefits, through equitable assessments, be made a source of income to the community at large to offset the costs?

The volume is well illustrated with excel-

lent photographs, maps, and charts. An appendix contains a list of references.

*

**Milk Control.** Government Regulation of the Dairy Industry in the United States. By American Municipal Association. Chicago, Public Administration Service (Publication No. 57), 1937. 52 pp. Seventy-five cents.

The principal steps which have been taken by federal, state, and local authorities to regulate the milk industry for consumer protection are reviewed in this report, which also discusses the developments necessary further to purify this important commodity.

At the present time four out of every five communities with populations ranging from a thousand to ten thousand have no regulation for the production or distribution of milk. Less than 40 per cent of the milk consumed in such municipalities is pasteurized. The uniform application of milk regulations is necessary if such regulations are to have any real value.

A model milk control ordinance, prepared and published in 1923 by the United States Public Health Service, is set forth as an appendix to the report. Some seven hundred communities, representing a population of approximately eighteen millions, now have this ordinance, which costs about 8.3 cents per person per annum to administer. Ways of financing administration of such a model ordinance are discussed in the report, as well as the specific regulations that can be incorporated into any municipal ordinance. Small communities, it is suggested, can collaborate on their efforts.

*

**Sowing the Wind.** A Public Finance Primer. By David Hinshaw. New York, Mail & Express Publishing Company, 1937. 59 pp. Ten cents.

This treatise presents a dark picture of the financial chaos into which the country is heading because of the rapid increase in the debt load for all levels of government. Tables and charts set forth the growth of public debt from 1789 until the present time. The present tax system is also discussed. The last chapters present suggestions for remedying the situation. The choice, says the author, lies between "less waste or less government." He points out that the spoils system alone costs the taxpayer two billion dollars annually, one billion of which goes to pay the salaries of useless jobholders.

"The program," says Mr. Hinshaw, "must be reduced to essentials—help the needy help themselves, curb injustice, outlaw graft, destroy the spoils system, limit the business activities of government, cut costs, balance budgets, reduce the public debt, make public officials who gain office on frugality platforms and later turn spendthrift, hard to catch and impossible to find, maintain freedom by making government efficient, preserve local rights in order that national union may be strong, give rulers no blank checks, instead, keep them poor, control public spending with every devisable safeguard."

*

**Films as an Aid in Training Public Employees.** By John E. Devine. New York, Committee on Public Administration of the Social Science Research Council, 1937. 114 pp. $1.00.

A comprehensive statement of the present use of films in the training of public employees, separated as to the federal government, state governments, and schools and local governments, with chapters on potential uses of such films, their production, and the putting of training films into use. A series of "next steps" in the use of films, to be taken by those engaged in the public employee training field, is suggested in the last chapter. An appendix contains a catalogue of films related to the public service.

*

**Construction and Use of Tax Maps.** By National Association of Assessing Officers (Assessment Practice Series No. 1). Chicago, 1937. 53 pp. Fifty cents.

This pamphlet should prove extremely valuable to assessors who are at present operating without tax maps or who find their present maps inadequate. It gives consideration to existing base maps and methods of developing them into finished tax maps; it also contains sections devoted to the mechanics of original surveys both by the traditional method and by the newer method of aerial photography, and to the maintenance of tax maps.

The study concludes with a helpful, though admittedly inconclusive, discussion of the cost of maps.

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NATIONAL MUNICIPAL LEAGUE

# The League's Business

**League's New York Committee Adopts Program for Submission to Constitutional Convention.**—The New York State Committee of the National Municipal League, meeting at Union College, Schenectady, on April 22nd and 23rd, adopted a program of fundamental improvement in the structure and operating methods of government for submission to the state's constitutional convention now in session. Leaders of civic organizations and members of political science faculties from many parts of the state were in attendance.

Among the more important proposals made are: a unicameral legislature; proportional representation for the election of the legislature with a uniform quota (thus solving automatically the troublesome question of reapportionment); amendment of the constitution by large petition and popular vote; provision for a department of justice under an appointive attorney general; replacement of the elective comptroller by a director of finance appointed by the governor and an auditor appointed by the legislature; a separate department of budget and efficiency; permission to the state to set up a budget reserve to prepare for times of depression in times of prosperity; no further expansion of the principle of veteran preference in the civil service with power to the legislature to diminish or abolish existing provisions for veteran's preference; appointment rather than election of judges so far as possible, with nonpartisan ballot for all elective judges; far-reaching city home rule provisions including the abolition of the power of the legislature to impose mandatory expenditures on cities except by general law applying alike to all cities; giving cities of over fifty thousand the right to secede from a county and establish a consolidated city-county government, and villages the right to secede from a town and set up a consolidated village-town government; home rule powers similar to those of cities for villages of over five thousand; the removal of present constitutional restrictions on the power of the legislature to reorganize county and municipal offices by general law, subject to the provisions of county and municipal home rule; granting of power to the legislature to reduce the number of counties on the basis of population, wealth, and geographic features.

* * *

**Drafting Committee for Model State Personnel Law Appointed.**—At the recent joint meeting of representatives of the Civil Service Assembly of the United States and Canada, the National Civil Service Reform League, and the National Municipal League's Personnel Committee, Dr. Leonard D. White, presiding officer, was instructed to appoint a drafting committee to draw up provisions for a model state personnel law. Dr. White has now designated G. Lyle Belsley, H. Eliot Kaplan, and Howard P. Jones, executive officials respectively of the organizations mentioned above, as members of that committee.

* * *

**Chairman of League's Fiscal Committee Addresses Savings Bank Group.**—Mr. Arnold Frye, chairman of the League's Committee on the Improvement of Municipal Fiscal Affairs, recently addressed the annual convention of the Association of Mutual Savings Banks, meeting in New York, on the invitation of the Association's Committee on Municipals and Government.

Mr. Frye's subject was "What Sound Municipal Fiscal Legislation Means to the Investor." He discussed certain weaknesses or errors in municipal fiscal policy which the depression had emphasized, but which even in times of ordinary prosperity cause instability in municipal finance with resulting burdens to both the taxpayer and the investor. He pointed out the need of a program of modern fiscal legislation which, without infringing upon the real principles of municipal home rule, would serve as standards for municipal officers and taxpayers, standards to which the investor likewise could look in determining whether to buy or continue to hold the bonds of particular municipalities. Mr. Frye concluded his address with the following statement:

> On these general subjects of municipal debt, budgeting, and taxation, a committee is now being formed by the National Municipal League to draft and bring to public attention a program of simple "model laws," clearly setting forth the established principles of sound municipal finance. It is to be hoped that this project will be pressed to a successful conclusion and that these simple laws may serve as guides or standards to both investor and taxpayer, whose interests are identical in matters of sound finance.

Immediately following, the committee on resolutions presented and the association unanimously adopted, the following resolution:

> Resolved, by the National Association of Mutual Savings Banks in convention assembled, that this body favors adoption by the several states of appropriate laws to secure reforms in the fiscal policies of municipalities and other political subdivisions, including uniformity in accounting and the reporting of finances.

Mr. Frye's address will appear in full in *The Bond Buyer* and later in the *Savings Bank Journal*. The personnel of the committee to which Mr. Frye made reference is as follows:

(Continued on Page 253)